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MILITARY CODE
OF THE
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New York (State) Laws, statutes, etc. Military Law

THE
MILITARY CODE

OF THE
STATE OF NEW YORK.

PUBLISHED UNDER THE DIRECTION OF
FRANKLIN TOWNSEND, Adjutant-General,
In compliance with section 40, chapter 80, Laws of 1870.

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THE MILITARY CODE

OF THE

STATE OF NEW YORK.

PASSED MARCH 17, 1870; AS AMENDED BY CHAPTERS 91 AND 761
OF THE LAWS OF 1872; CHAPTER 223 OF THE LAWS OF
1875; AND CHAPTER 29 OF THE LAWS OF 1876.

Chap. 80.

AN ACT to provide for the enrollment of the militia,
for the organization of the National Guard of the
State of New York, and for the public defense;
and entitled The Military Code.

Passed March 17, 1870; three-fifths being present, and two-thirds of
the members in each house present, concurring therein.*

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows:*

ARTICLE I.

OF THE PERSONS SUBJECT TO MILITARY DUTY.

SECTION 1. All able bodied male citizens, and
males of foreign birth who shall have declared their
intention to become citizens, between the ages of
eighteen and forty-five years, residing in this State,
and not exempted by the laws of the United States,
shall be subject to military duty, excepting:

Persons
subject to
military
duty.

Exemp-
tions.

1. All persons in the army or navy or volunteer
force of the United States, and those who have been
honorably discharged therefrom.

United
States
volunteers
and regu-
lars.

* See § 6 of Article XI of the Constitution of the State of New York.

Firemen.

2. All the members of any regularly organized fire company or department in any city, village or town in this State, and also those who have served the full time in such companies and have received proper certificates as exempt firemen. But no member of the National Guard shall be relieved from duty in the National Guard for reason of his joining any such fire company or department.

Officers
having
served five
years.

3. All commissioned officers, who shall have served as such in the militia or the National Guard of this State, or in any one of the United States, for the term of five years; but no officer shall be so exempt unless he shall have been honorably discharged from said service after having served the said term of five years; and, also, all supernumerary commissioned officers who have complied with the provisions of section twenty-four of this act.

Super-
numerary
officers.Privates,
musicians,
etc., after
five years'
service.

4. Every non-commissioned officer, musician and private who shall have performed service in any regiment, battalion, troop, battery or company of the National Guard for the term of five years and been honorably discharged therefrom.

Idiots,
paupers,
etc.

5. Idiots, lunatics, paupers, habitual drunkards, and persons convicted of infamous crimes.

Liability in
case of war,
invasion,
etc.

§ 2. The aforesaid excepted persons, included in subdivisions one, two, three and four of section one of this act, shall be liable to military duty in case of war, insurrection or invasion, or imminent danger thereof.

ARTICLE II.

OF THE ENROLLMENT OF PERSONS SUBJECT TO MILITARY DUTY.

Enroll-
ment.

§ 3. Under the direction of the Commander-in-Chief, and whenever he deems it necessary, and orders such enrollment to be made, all persons liable to military duty, other than members of the National Guard, shall be enrolled by the captain or com-

mandant of the company district in which such persons reside ; or if there be no such captain or commandant, then by an officer to be detailed by the commandant of the regiment in which such company district is situated, or to be appointed by the Commander-in-Chief. Such enrollment shall be made When to be made. on or before the first day of July in any year in which the said enrollment shall be ordered by the Commander-in-Chief as hereinbefore provided, and shall distinctly state the name and residence of each person enrolled. Four copies of such enrollment shall be prepared by the officer making it, and after the same have been corrected, as Copies, how filed. hereinafter provided, one shall be retained by him, one shall be filed in the office of the town or city clerk in which such company district is situated, one shall be filed in the office of the clerk of the county wherein such district is situated, and one shall be filed in the Adjutant-General's office. The officer making such enrollment may, with the approval of the Commander-in-Chief, appoint one or more of his non-commissioned officers, or other proper persons, to assist in making said enrollment and copying said rolls ; the persons making such enrollment shall be com- Compensation. pensated at the rate of one dollar and fifty cents per day for every day necessarily spent in making and copying the same ; the number of days to be certified by the commandant of the regiment, and not to exceed ten, and the amount of such compensation to be paid by the Comptroller upon production of such certificate, together with certificates of the town clerk, county clerk and Adjutant-General, that the said rolls have been duly filed in their offices. Such Rolls, when to be filed. rolls shall be so filed on or before the first day of August in each year in which the said enrollment shall be made ; and the officer or person making such Notice of enrollment enrollment shall, at the time of making the same, serve upon each person enrolled a notice, by delivery

to him personally, or by leaving it with some person of suitable age and discretion at his place of residence, that he is enrolled as liable to military duty.

Claims to exemption, when filed.

All persons, except members of the National Guard and of regularly organized fire companies or departments, claiming exemption from such duty, must, on or before the fifteenth day of August then next ensuing, file a written statement of such exemption, verified by affidavit, in the office of the county, town or city clerk, to be designated in said notice; blank notices for such purpose shall be furnished by the Adjutant-General. Such clerk shall thereupon, if such person be exempt according to law, mark the word "exempt" opposite his name; and the remainder of all thus enrolled, and not thus found to be exempt, shall constitute the reserve militia of the State, and such clerk shall transmit a copy of such corrected roll to the Adjutant-General. To the end that the members of the National Guard and of regularly organized fire companies or departments shall not be thus enrolled, the commanding officer highest in rank in the National Guard and in the fire department in each city or town shall, on or before the said first day of August, file in the office of such county, town or city clerk a certified list of the names of all persons in his command.

Reserve militia, who to constitute.

List of firemen and military, to be furnished.

Enrolling officers may examine assessment rolls, etc.

§ 4. For the purpose of preparing such enrollment, the assessors in each city, village, town or ward of this State, shall allow captains or commandants of companies or other persons appointed for that purpose, as above provided, at all proper times, to examine their assessment rolls and to take copies thereof, and the clerks of all counties, towns and cities shall in like manner, at all proper times, allow the said commandant or other persons to examine and copy the poll lists on file in their offices.

Tavern and boarding house keepers, etc., to give information.

§ 5. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and any master or mistress of any dwelling-house, shall, upon the application of any officer or other person author-

ized to make such enrollment, give information of the names of all persons residing or lodging in such houses, liable to be enrolled, and all other proper information concerning such persons as such officer or authorized person may demand.

§ 6. If any person of whom information is required by any such officer or authorized person, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he shall forfeit and pay ten dollars for each item of information demanded of him by any such officer or authorized person and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated ; and every person who shall refuse to give his own name and proper information, when applied to by any such officer or authorized person, or shall give a false name or information, shall forfeit and pay a like sum ; such penalties to be recovered in any court of competent jurisdiction, in the name of the people of the state of New York ; and it is hereby made the duty of such officer or authorized person to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the regimental district in which they reside, whose duty it shall be to prosecute the same ; and any person against whom a judgment may be recovered for the said penalties shall be liable to arrest upon execution in the same manner and to like effect as executions against the person are now issued from courts of record of this State.

Penalties
for refusing
to give in-
formation.

For false
statements
or conceal-
ments.

Penalties,
how recov-
ered.

ARTICLE III.

OF THE GENERAL ORGANIZATION OF THE MILITIA,
AND OF THE ORGANIZATION OF THE NATIONAL
GUARD OF THE STATE OF NEW YORK.

§ 7. The Commander-in-Chief shall organize and arrange the militia of the State, and the districts therefor, into divisions, brigades, regiments, battalions, troops, batteries and companies, as nearly in

Organiza-
tion of
military
districts.

Alteration
thereof.

conformity to the laws of the United States as local circumstances and public convenience will permit ; and he may alter, divide, annex, consolidate or disband the same and the districts thereof in his discretion, and retire any officer rendered supernumerary by any such alteration, division, annexation, consolidation or disbandment. The present divisions, brigades, regiments, battalions, troops, batteries and companies, and the districts thereof, shall remain as now established by law, subject, however, to the power of the Commander-in-Chief to alter, divide, annex, consolidate or disband the same as herein provided.

National
guard, how
composed.

§ 8. The uniformed militia of the State shall constitute and be known as the "National Guard of the State of New York," and shall consist of the present uniformed militia and such volunteers as shall enroll themselves or enlist therein in the several military districts of the State ; and shall be organized in eight divisions and such number of brigades, regiments, battalions, troops, batteries and companies, and of such arms of the service as now exist, and as the Commander-in-Chief may hereafter determine and designate ; provided that the aggregate force of the same, in time of peace, fully armed, uniformed and equipped, shall not exceed the number of twenty thousand, non-commissioned officers, musicians and privates ; but the Commander-in-Chief shall have power, in case of war, insurrection or invasion, or imminent danger thereof, to increase the force beyond the said twenty thousand, and organize the same as the exigencies of the service may require.

Eight
divisions.

Aggregate
force.

When to be
increased.

Governor,
when to
appoint
officers.

§ 9. The Commander-in-Chief is authorized and empowered to appoint the brigade, regimental, battalion, troop, battery and company officers in the first instance, necessary to complete the organization of any military district hereafter created, and to fill all vacancies necessary for the complete organization of all the military districts now existing in the State, but not sufficiently organized for an election ; and

all officers superseded by such appointment shall become supernumerary officers.

§ 10. The commandant of each regimental district is authorized and empowered to appoint the non-commissioned officers required by law for each company in his district, and to issue to such non-commissioned officers warrants of their appointment, which shall remain in force until the organization of the regiment or battalion is completed.

§ 11. Troops, batteries or companies shall be formed in separate districts when practicable, but the Commander-in-Chief may, in his discretion, organize more troops, batteries or companies than one in the same district, or parts of a troop, battery or company in different districts; and to every troop, battery or company of cavalry, artillery or infantry, there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians; and, to every troop or company of cavalry or infantry, there shall be from thirty to eighty-four privates; and to every battery of artillery there shall be from sixty-four to one hundred and four privates, and one additional second lieutenant; and in the discretion of the Commander-in-Chief there may be added to the battery organization one first lieutenant, two sergeants, and four corporals, and to every troop of cavalry there shall be one additional second lieutenant and also one veterinary surgeon with the rank of sergeant-major.

§ 12. Forty-six non-commissioned officers, musicians and privates shall be the minimum, and one hundred the maximum, of the troop and company organization of cavalry and infantry; and eighty and one hundred and twenty of the same, the minimum and maximum of the battery organization of artillery; and all troop, battery and company officers shall use their best efforts to obtain volunteers and recruit their commands so that the minimum shall always be

Non-commissioned officers, how chosen.

exceeded. Non-commissioned officers shall be chosen from the members of the troop, battery or company to which they belong.

Residence of volunteers.

Volunteers, enlistment of.

Consent of parents or guardian of minors.

Transfers from one company to another.

Proviso as to first and second divisions.

Separate companies of infantry in cities or villages.

§ 13. Volunteers may be received and enlisted in any troop, battery or company, whether they reside in the troop, battery or company district or not; and they shall be enlisted in the first instance for a term of five years, and, on the expiration of that term, they may be re-enlisted, either immediately or at any time thereafter, for terms of one or more years, at the option of the volunteer; but no person above the age of forty-five years shall be enlisted; and no person under the age of twenty-one years shall be enlisted without the consent of his parent or guardian; and no non-commissioned officer, musician or private shall leave one troop, battery or company to enlist in another, without the written consent of the commandant of the regiment or battalion, and of the commandant of the troop, battery or company to which he belongs, unless he shall have removed out of the district of such troop, battery or company; but such exceptions shall not apply to any troop, battery or company district situated in any of the cities in the State; provided, however, that non-commissioned officers, musicians and privates who have changed their residence from the first division district to the second division district, or from the second division district to the first division district, may enlist in a troop, battery or company of the division district into which they have removed, without such consent, and in that case they shall be dropped from the rolls of the troop, battery or company in which they were serving, and a certificate of their time of service therein shall be furnished to them; and, in case of any such re-enlistments, the whole time of service in both troops, batteries or companies shall be computed and allowed in determining the question of discharge after five years service. In cities or villages, where there are no regimental or battalion organizations of infantry, separate

companies of that arm of the service may be organized, to be attached to brigades or divisions; and all the provisions of the Military Code relating to separate troops or batteries shall apply to such separate companies of infantry, except as herein otherwise provided.

§ 14. Each regiment of cavalry, artillery and infantry shall consist of not less than eight nor more than ten companies, one colonel, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with the rank of major, one assistant surgeon with rank of captain, one chaplain with rank of captain, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major; and in addition to the foregoing, each regiment of cavalry and artillery shall have one major, and each regiment of cavalry shall have one veterinary surgeon with rank of second lieutenant, and one saddler-sergeant.

Number of companies to form a regiment.

Field and staff officers.

Non-commissioned staff.

Additional officers of cavalry and artillery.

§ 15. The battalion organization shall consist of not more than six nor less than four companies, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of major, one chaplain with the rank of captain, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major; and each battalion of cavalry shall have an additional major, a veterinary surgeon with rank of second lieutenant, and one saddler-sergeant; and whenever any regiment shall fall below the number of eight companies it may be reorganized as a battalion.

Battalion organization.

Officers.

Non-commissioned officers.

Additional officers of cavalry.

When regiment may be reduced to a battalion.

Numbers or
letters of
regiments,
companies,
etc.

§ 16. The Commander-in-Chief shall cause each company, battery, troop, battalion, regiment, brigade and division to be numbered or lettered in such manner as he deems proper to secure uniformity; and they shall be known by their respective numbers or designations, and be thus registered in the Adjutant-General's office.

Residence
of officers.

§ 17. All commissioned officers residing in any city or incorporated village in this State shall be deemed to be within the bounds of their respective commands, if any part of the military district to which they properly belong be located in such city or village.

Change of
residence
from first
division to
adjacent
counties,
not to vacate office.

§ 18. Any officer, non-commissioned officer, musician or private who may change his residence from within the bounds of the first division into an adjacent county, or from within any county adjacent into the said division district, shall not thereby vacate his office or post, but he shall be held to duty in the division, brigade, regiment, battalion, troop, battery or company to which he was attached at the time of such change of residence, and shall be eligible to promotion, election or appointment to office therein, and shall be entitled to all privileges, immunities and exemptions allowed by law, and shall be liable to fines and penalties, and the collection of them, in the same manner as if such change of residence had not taken place, and process for the collection of such fines and penalties may be executed in any county in the State; provided, however, that non-commissioned officers, musicians and privates in the first and second divisions may avail themselves of the provisions relating to their change of residence from one of those division districts to the other, contained in section thirteen.

Proviso as
to non-com-
missioned
officers and
privates.

Disbanding
of compa-
nies bat-
teries, etc.

Allowance
of time
served.

§ 19. Whenever any troop, battery or company shall fall below the minimum established by section twelve, such company, battery or troop may be consolidated or disbanded; in which case the officers, non-commissioned officers, musicians and privates

shall have allowed to them, as part of their term of service, the time already served; and whenever any regiment shall fall below the number of eight troops, batteries or companies, each having at least forty-six non-commissioned officers, musicians and privates, such regiment may be reduced to a battalion with the organization provided for in section fifteen; and the Commander-in-Chief may, in his discretion, retain in command the colonel of the regiment so reduced to a battalion, in which case the lieutenant-colonel and major will also remain in commission.

Reduction
of regi-
ments to
battalions.

§ 20. All existing uniformed companies in any regimental district, city or village shall be deemed to be organized under the provisions of this act, provided that each such company contains forty-six non-commissioned officers, musicians and privates.

Existing
uniformed
companies.

§ 21. Whenever six uniformed companies shall be organized in any of the regimental districts of this State, the Commander-in-Chief shall order an election to be held for the choice of suitable persons to fill the offices of colonel, lieutenant-colonel and major in such regiment, by directing some suitable officer to give the proper notice of such election, and to preside thereat, unless such officer shall already have been elected or appointed; but the colonel so elected or appointed shall not be commissioned until eight companies of forty-six non-commissioned officers, musicians and privates shall be fully organized.

Election of
field offi-
cers, when
to be
ordered.

Who to
preside
thereat.

Colonel,
when to be
commis-
sioned.

§ 22. As soon as the field officers of two or more regiments or battalions in any of the brigade districts of the State shall be duly chosen and commissioned, the Commander-in-Chief shall order an election to be held for the choice of a suitable person to fill the office of brigadier-general in such brigade district, by directing some suitable officer to give the proper notices of such election, and preside thereat, unless such brigadier-general shall already have been elected or appointed, as provided by this act.

Brigadier-
general,
when to be
elected.

National
guard or-
ganization,
to conform
to United
States
system.

§ 23. The organization of the National Guard shall conform generally to the provisions of the laws of the United States, and the system of discipline and exercise shall conform as nearly as may be to that of the army of the United States, as it now is or may hereafter be prescribed by Congress.

Exemption
of super-
numerary
officers.

§ 24. Commissioned officers rendered supernumerary by consolidation, alteration or disbandment of regiments, battalions, troops, batteries or companies, or in any other lawful manner, shall be exempt from military duty, except in case of war, insurrection or invasion; provided they shall, within one year from the date of being rendered supernumerary, report themselves as such to the Adjutant-General; and the Commander-in-Chief may assign supernumerary officers who have so reported to the Adjutant-General to active duty, and when on such active duty, they shall enjoy all the privileges, emoluments and immunities to which commissioned officers of the same grade in the National Guard, on active duty, are entitled.

When to
report to
adjutant-
general
May be as-
signed to
active duty.

ARTICLE IV.

OF THE ORGANIZATION OF THE GENERAL STAFF.

Adjutant-
general.
Assistant
adjutant-
general.

§ 25. The Adjutant-General shall have the rank of major-general; and in the corps of adjutants-general there shall be an assistant adjutant-general with the rank of colonel; and such acting assistants as shall be required may be appointed by the Adjutant-General, with the approval of the Commander-in-Chief; and to each division an assistant adjutant-general, with the rank of colonel, to be chief of staff; to each brigade an assistant adjutant-general, with the rank of lieutenant-colonel, to be chief of staff; and to each regiment an adjutant with the rank of first lieutenant.

Acting
assistants.

Division
and brigade
assistants.

Regimental
adjutants.

Inspector-
general.
Assistants,
etc.

§ 26. The Inspector-General shall have the rank of brigadier-general; and in the corps of inspectors-general there shall be an assistant inspector-general with the rank of colonel, and also an assistant inspec-

tor-general with the rank of colonel, who shall be the General Inspector of Rifle Practice; and to each division an inspector with the rank of colonel, and an inspector of rifle practice with the rank of lieutenant-colonel and to each brigade an inspector with the rank of major, and an inspector of rifle practice with the rank of major; and to each regiment and battalion an inspector of rifle practice with the rank of captain.

General
inspector
of rifle
practice.

§ 27. The Commissary-General, named in the Constitution, shall have the rank of brigadier-general, and shall be Chief of Ordnance, and in his department, which shall be styled the ordnance department, he shall be the purchasing and issuing officer, and shall take charge of and be responsible for such military property and supplies as are known and designated by the regulations and orders governing the army of the United States as belonging to the ordnance department; and the said Chief of Ordnance shall give security for the faithful execution of the duties of his office, as provided by chapter two hundred and twenty-seven of the laws of eighteen hundred and forty-eight; and in the ordnance corps there shall be an assistant chief of ordnance with the rank of colonel; and to each division an ordnance officer with the rank of lieutenant-colonel; and to each brigade an ordnance officer with the rank of captain; and so many military store-keepers to take care of and preserve the arsenals, magazines, fortifications, and military stores belonging to the State as shall be required, to be appointed by the Chief of Ordnance, with the approval of the Commander-in-Chief.

Commissary-general.

To be chief
of ordnance

His duties.

To give
security.

Assistants.

Military
store-
keepers.

§ 28. The Engineer-in-Chief shall have the rank of brigadier-general; and in the corps of engineers there shall be to each division an engineer, with the rank of colonel; and to each brigade an engineer, with the rank of major.

Engineer-in-chief.

Division
and brigade
engineers.

§ 29. The Judge-Advocate-General shall have the rank of brigadier-general; and in the corps of judge-

Judge-
advocate-
general.

Division
and brigade
judge-advocates.

advocates there shall be to each division a judge-advocate with the rank of colonel; and to each brigade a judge-advocate with the rank of major.

Surgeon-general.

§ 30. The Surgeon-General shall have the rank of brigadier-general; and in the medical corps there shall be to each division a surgeon with the rank of colonel; to each brigade a surgeon with the rank of major; and to each regiment a surgeon with the rank of major, and an assistant surgeon with the rank of captain; and to each battalion a surgeon with the rank of major; all of whom shall be graduates of some incorporated school of medicine, and commissioned by the Commander-in-Chief on the recommendation of the Surgeon-General; but their rank shall not entitle them to command or promotion in the line, nor regulate their pay and allowances in the service.

Medical corps.

Qualifications.

Quartermaster-general.

His duties.

§ 31. The Quartermaster-General shall have the rank of brigadier-general, and in his department he shall be the purchasing and issuing officer, and shall take charge of and be responsible for such military property and supplies as are known and designated by the regulations and orders governing the army of the United States as belonging to the quartermaster department; and in the quartermaster's corps there shall be an assistant quartermaster-general with the rank of colonel; to each division a quartermaster with the rank of lieutenant-colonel; to each brigade an assistant quartermaster with the rank of captain; and to each regiment or battalion an assistant quartermaster with the rank of first lieutenant; and the Quartermaster-General may, with the approval of the Commander-in-Chief, appoint so many store-keepers as the exigencies of the service may require.

Quartermaster's corps.

Store-keepers.

Paymaster-general.

§ 32. The Paymaster-General shall have the rank of brigadier-general; and in the paymaster's corps there shall be an assistant paymaster-general with the rank of colonel; and so many paymasters with the rank of lieutenant-colonel, as the exigencies of the service may require, to be appointed by the

Paymaster's corps.

Commander-in-Chief, on the recommendation of the Paymaster-General, and hold their offices during the pleasure of the Commander-in-Chief.

§ 33. The Commissary-General of Subsistence shall have the rank of brigadier-general; and in the subsistence corps there shall be to each division a commissary of subsistence with the rank of lieutenant-colonel; and to each brigade a commissary of subsistence with the rank of captain; and to each regiment or battalion a commissary of subsistence with the rank of first lieutenant; and so many assistant commissaries, with the rank of captain, as in the opinion of the Commander-in-Chief the exigencies of the service may require; such assistant commissaries to be appointed by the Commander-in-Chief on the recommendation of the Commissary-General of Subsistence, and hold their offices during the pleasure of the Commander-in-Chief.

Commissary-general of subsistence.

Subsistence corps.

§ 34. The chief of each corps of the general staff shall have the appointment of his assistant, who shall hold office during the pleasure of such chief; and every such chief shall prepare and transmit, at the expense of the State, all blank forms of returns, precepts, warrants and proceedings that may be necessary in his corps.

Staff officers to appoint assistants.

Blanks, warrants, etc.

§ 35. The Commander-in-Chief is authorized and empowered, in his discretion, to make such changes in the organization of the several staff corps as he may deem expedient, and to prescribe, by rules and regulations, the duties to be performed by the officers of such corps, which shall conform to those that are prescribed for the government of the staff corps of the army of the United States in so far as it is practicable; and in time of war, insurrection or invasion, or imminent danger thereof, and when the exigencies of the service shall require, the Commander-in-Chief may appoint and commission, not exceeding three, additional aids on his staff, with the rank of colonel; and, also, such number of assistants, with the rank of colonel, lieutenant-colonel, or

Commander-in-chief may make changes in organization of staff corps.

Rules and regulations

Additional aids and assistants, when to be appointed.

Detail of
officers.

major, in the several staff corps, as in his judgment shall be necessary ; but such assistants shall hold their commissions only during the pleasure of the Commander-in-Chief, and during the term of service of the chief of the staff corps in which they shall be appointed ; and the Commander-in-Chief may detach officers of the general staff from their special service, and detail them for other duties whenever he deems it expedient to do so ; and he may also impose upon them additional duties by giving them acting appointments for such purpose.

ARTICLE V.

OF THE DUTIES OF CERTAIN OFFICERS OF THE GENERAL STAFF, AND OF VARIOUS MATTERS CONNECTED WITH THEIR RESPECTIVE DEPARTMENTS.

Of the Adjutant-General.

Adjutant-general
to keep a
roster of
officers.

§ 36. The Adjutant-General shall keep a roster of all the officers of the military forces of the State, containing the date of their commissions, their rank, the division, brigade, regiment, battalion, troop, battery or company to which they belong, and the places of their residence, as accurately as can be ascertained; which roster shall be revised and corrected every year; and he shall also enter into a book, to be kept for that purpose, a local description of the several company, battery, troop, battalion, regimental, brigade and division districts.

Annual-
division
reports, as
to commis-
sioned
officers.

§ 37. It shall be the duty of the commandants of divisions, during the month of December, and prior to the fifteenth day thereof in each year, to furnish the Adjutant-General with a roster of all the commissioned officers in their divisions, containing the facts requisite to enable him to comply with the provisions of this act.

Books of
adjutant-
general.

§ 38. All books required by the Adjutant-General to comply with the provisions of this act shall be furnished at the expense of and be the property of the State.

§ 39. The seal now used in the office of the Adjutant-General shall continue to be the seal of his office, and shall, from time to time, be delivered to his successor in office; and all copies of records or papers in his office, duly certified and authenticated under the said seal, shall be evidence in all cases, in like manner as if the originals were produced.

Seal of
adjutant-
general's
office.

Authentica-
tion of
records, etc.

§ 40. It shall be the duty of the Adjutant-General, from time to time, as may be necessary, to cause so much of the militia laws as shall be in force to be printed and bound in proper form, and distributed, one copy to each commissioned officer, town clerk, supervisors' clerk, and county treasurer in this State; and also to prepare and cause all necessary blank books, blanks, forms and notices to be furnished to the National Guard at the expense of the State, to carry into full effect the provisions of this act; and the Comptroller is hereby directed to draw his warrant on the Treasurer of the State for the expenses incurred under this section and section thirty-eight.

Publication
and dis-
tribution of
militia laws

Blanks,
forms, etc.,
to be fur-
nished.

Expenses,
how paid.

§ 41. In case of absence of the Adjutant-General from the city of Albany, or in case of his inability to perform his duties, the assistant adjutant-general shall have full power to perform all the duties appertaining to the office of the Adjutant-General. But nothing in this section shall be so construed as to give any validity to the acts of the assistant adjutant-general, in case of the disapproval of the Adjutant-General, after such disapproval shall have been shown by special order to that effect.

Powers of
assistant
adjutant-
general,
during
absence of
adjutant-
general.

Proviso.

Of the Inspector-General.

§ 42. It shall be the duty of the Inspector-General to visit, at least once in every two years, each regimental and battalion district in the State. He shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals and military store-houses; and he shall report to general headquarters the improvement in discipline and tactical

Inspector-
general,
duties as to
inspection.

General
Inspector
of rifle
practice.

Inspectors
of rifle
practice.

Expendi-
tures for
maintain-
ing rifle
ranges and
promoting
rifle prac-
tice.

Command-
ants to
furnish re-
quired in-
formation.

Report as
to armories,
etc.

Inspection
of camp
equipment of
State.

Sale of
damaged
military
property.

Notice of
sale.

instruction of the National Guard, as well as other matters appertaining to his department. The General Inspector of Rifle Practice shall have charge of rifle practice throughout the State, and shall direct the manner in which the same shall be conducted. He shall report direct to the Inspector-General. The division, brigade, regimental and battalion inspectors of rifle practice shall perform such duties as may from time to time be prescribed by the General Inspector of Rifle Practice, with the approval of the Inspector-General. On the approval of the Commander-in-Chief, expenditures may be made from the appropriations for military purposes, for services and expenses in maintaining rifle ranges, and promoting rifle practice in the National Guard.

§ 43. Commandants of regiments, battalions, troops, batteries and companies, shall furnish to the Inspector-General such information as he may require, as to the number and kinds of arms, equipments and military property of the State issued to their respective regiments, battalions, troops, batteries and companies; and, at the conclusion of the inspection of any armory, arsenal or military storehouse, if the Inspector-General finds the property which ought to be kept therein, or any part of it, missing, injured, unfit for use or deficient in any respect, he shall forthwith report the facts, in respect thereto, to the Commander-in-Chief.

§ 44. It shall be the duty of the Inspector-General, after the first day of November in each year, to inspect the tents and camp equipment belonging to the State, and report any deficiency therein, or any property damaged or unfit for use, to the Commander-in-Chief on or before the first day of January next thereafter. Upon receiving the reports mentioned in this and the last preceding section, the Commander-in-Chief may order such property which is damaged and unfit for use to be sold at public auction, upon thirty days' notice, to be published once a week in the State paper, and also in some

newspaper printed in the county in which such property is situated, under the direction of the Chief of Ordnance, and the net avails thereof shall be expended in the purchase of arms, equipments, ammunition, and camp or other equipage, as the Commander-in-Chief may direct.

§ 45. In his annual report, the Inspector-General shall state what general and field officers have been in command of parades and encampments, and what degree of improvement has been attained by both officers and men, and whether the general regulations have been observed, together with such suggestions as he may see fit to make.

Annual report, what to contain.

§ 46. To the Inspector-General will be referred, by order of the Commander-in-Chief, such matters as require an examination at a distance from the general head-quarters, for the information of the Commander-in-Chief; and it shall be the duty of the Inspector-General, upon such reference, to report upon the qualifications of persons named to the Commander-in-Chief, for appointment to military office, and also upon the possession of the necessary requisites by the applicants for the organization of companies.

Commander-in-chief to refer matters of inquiry to Inspector-general.

§ 47. The division and brigade inspectors, whenever required by the Inspector-General, shall report to him the condition of their respective divisions or brigades, and shall also, upon his request, report to him upon any matter properly belonging to his department, which may require examination within their respective division or brigade districts. All such requests and reports shall be forwarded through the commandants of their respective divisions and brigades.

Reports of division and brigade inspectors.

§ 48. The Inspector-General shall visit the several encampments which shall be ordered by the Commander-in-Chief, and ascertain whether the troops have been properly instructed in the exercises and evolutions of the field; he will cause them to be exercised in the maneuvers required to be practiced during the year, as prescribed by the regulations;

Inspector-general to visit encampments.

and he will give his instructions, as to the exercises, to the commanding officer, who will issue all necessary orders and directions to the troops for their execution.

To examine
audit
books, ac-
counts and
warrants.

§ 49. The Inspector-General shall, at least once in every two years, examine the book of proceedings of the board of auditors of each regiment and battalion, or separate troop or battery, and the accounts filed with the secretary of such board, during the two years previous, or since the last examination made by the Inspector-General, and he shall carefully compare the book of proceedings with accounts; he shall also examine the warrants drawn by the board of auditors, in the possession of the county treasurer, and he shall specially report to the Commander-in-Chief whether the proceedings of the board of auditors are regularly and properly entered, and whether the warrants are in due form; and whether any military funds have been drawn from the county treasurer for improper purposes, or by persons not entitled thereto.

Report
thereon.

Powers of
assistant
inspector-
general in
absence of
inspector-
general.

Proviso.

§ 50. In the absence of the Inspector-General, or in case of his inability to perform his duties, the assistant inspector-general shall have full power to perform all duties appertaining to the office of the Inspector-General. But nothing in this section shall be so construed as to give any validity to the acts of the assistant inspector-general in case of the disapproval of the Inspector-General.

Of the Chief of Ordnance.

Chief of
ordnance
to keep
arsenals
and ord-
nance in
repair.

§ 51. The Chief of Ordnance shall keep in good repair the arsenals and magazines of the State, and attend to the due preservation and safe keeping, cleaning, and repairing of the ordnance, arms, accoutrements, ammunition, munitions of war, and implements of every description, the property of the State, and he shall at all times have the control and disposition of the same for that purpose.

§ 52. He shall, under the direction of the Commander-in-Chief, dispose of, to the best advantage, all damaged powder, and all ordnance, arms, ammunition, accoutrements, tools, implements and warlike stores of every kind whatsoever, that shall be deemed unsuitable for the use of the State.

Sale of
damaged
stores.

§ 53. He shall, from time to time, render a just and true account of all sales made by him, with all convenient speed, to the Commander-in-Chief, and shall expend the proceeds of the same in the purchase of arms, ammunition, and camp or other equipage, as the Commander-in-Chief may direct.

Account of
sales.

Proceeds,
how ex-
pended.

§ 54. On the requisition of any commanding officer, transmitted through his intermediate commanders, and having their approval, the Chief of Ordnance, with the approval of the Commander-in-Chief, shall issue to such commanding officer, for the use of his command, such military property of the State, belonging to the ordnance department, as the said command is entitled to, and as may be found necessary for its use.

Military
property,
how issued.

§ 55. The division and brigade inspectors shall annually report to the Chief of Ordnance the condition of the ordnance, arms, implements and other equipments in use by the batteries attached to their respective divisions or brigades, under such regulations as he may prescribe.

Reports of
division
and brigade
inspectors.

§ 56. The Chief of Ordnance shall report annually to the Commander-in-Chief, whose duty it shall be to transmit the same to the legislature, a statement in detail, showing the actual situation and disposition of all the ordnance, arms, ammunition and other property or things, which in any wise appertain to or respect the department in his charge.

Annual
report.

§ 57. The Chief of Ordnance shall keep a just and true account of all the expenses necessarily incurred in and about his department, which shall include all expenses for transportation to and from the arsenals of all ordnance, arms, ammunition and camp equipage, and the same shall be audited and paid in the

Expenses
of ordnance
depart-
ment, how
paid.

same manner as other military accounts are audited and paid.

Assistant
chief of
ordnance.

§ 58. The assistant chief of ordnance shall perform the duties now required by law to be performed by the military storekeeper at the New York arsenal, and shall be compensated in the same manner as such military storekeeper has been compensated. In the absence of the Chief of Ordnance from the city of New York, or in case of his inability to perform his duties, the assistant chief of ordnance shall have full power to perform all the duties appertaining to the office of the Chief of Ordnance; but nothing in this section shall be so construed as to give any validity to the acts of the assistant chief of ordnance in case of the disapproval of the Chief of Ordnance.

His powers,
in absence
of chief.

Proviso.

Of the Judge-Advocate-General.

Judge-
advocate-
general, his
duties and
powers.

§ 59. The Judge-Advocate-General, as chief of his department, is charged with the supervision, care and management of all things relating to the administration of justice among the military forces of the State. He shall diligently scrutinize and examine the proceedings of all courts-martial where an appeal has been taken, and report thereon for the information of the Commander-in-Chief; he shall, also, in like manner, report in all cases of disputed elections where an appeal has been taken. Under the orders of the Commander-in-Chief, the Judge-Advocate-General shall act as judge-advocate at any court-martial where the public interests shall require his attendance.

As to
courts-mar-
tial and
appeals.

To act as
legal
adviser.

§ 60. The Judge-Advocate-General is the legal adviser of the several staff departments, upon all legal questions which may arise therein, and to him may be referred for supervision all contracts, agreements, or other instruments to be drawn or executed in the course of the business of such departments.

Prosecution
of bonds.

§ 61. It shall be the duty of the Judge-Advocate-General to prosecute any bond, the condition of which

is violated by a neglect or refusal of any officer to report the condition of any arms or equipage, or to return the same to any of the arsenals of this State, as required by law.

§ 62. The officers in the corps of judge-advocates attached to divisions and brigades, when not engaged in the special duties of the same, may be detailed for such other staff duty as the commandants of their respective brigades or divisions shall direct.

Division
and brigade
judge-advocates.

ARTICLE VI.

OF THE ELECTION AND APPOINTMENT OF MILITARY OFFICERS AND THE TENURE OF THEIR OFFICES.

§ 63. All major-generals (except the Adjutant-General), and the Commissary-General, named in the Constitution, who shall be the Chief of Ordnance, shall be nominated by the Governor and appointed by him with the consent of the senate ; and the resolution of the senate concurring in any nomination made by the Governor for a military office shall be certified by the president and clerk of the senate, and be transmitted to the Adjutant-General, who shall issue the commission and record the same in his office.

Major-generals and commissary-general to be appointed by governor and senate. Adjutant-general to issue commissions.

§ 64. The staff of the Commander-in-Chief shall consist of the Adjutant-General, who shall be chief of staff, the Inspector-General, the Chief of Ordnance (who shall be the commissary-general named in the Constitution), the Engineer-in-Chief, the Judge-Advocate-General, the Surgeon-General, the Quartermaster-General, the Paymaster-General, the Commissary-General of Subsistence, three or more aides-de-camp, with the rank of colonel, a military secretary with the rank of colonel, and a military messenger with the rank of second lieutenant ; all of whom, except the Chief of Ordnance, shall be appointed by the Governor, and their commissions shall expire with the term for which the Governor appointing them shall have been elected.

Military staff of governor.

How appointed.

Term of office.

Aids of
major and
brigadier-
generals.

§ 65. Major-generals shall be entitled to two aides-de-camp with the rank of major, and one aide-de-camp with the rank of captain; and brigadier-generals to one aide-de-camp with the rank of captain, and one aide-de-camp with the rank of first lieutenant. And, in addition to the staff officers hereinbefore provided for, there may be appointed in each division, on the approval of the Commander-in-Chief, a chief of artillery, with the rank of colonel.

Division
chief of
artillery.

Division,
brigade and
regimental
staff offi-
cers.

§ 66. Major-generals, brigadier-generals, and commanding officers of regiments or battalions, shall appoint the staff officers of their respective divisions, brigades, regiments or battalions, whose term of office, unless they are reappointed, shall expire when the officers appointing them shall retire from office; provided, however, that they shall continue in office until their successors shall be appointed and have qualified.

Non-com-
missioned
staff ap-
pointments

§ 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital, stewards, and drum-majors, shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure. Sergeant standard-bearers and general guides will be detailed to act as such by the permanent commanding officer of the regiment or battalion, and be selected from the sergeants of the companies in his command.

Sergeant
standard-
bearers and
general
guides.

Line offi-
cers, how
chosen.

§ 68. Except as otherwise provided in this act, captains, lieutenants, and non-commissioned officers of troops, batteries and companies, shall be chosen by the written or printed votes of the members of their respective troops, batteries or companies; field officers of regiments or battalions by the written or printed votes of the field officers and the commissioned troop, battery or company officers of their respective regiments or battalions; and brigadier-generals by the written or printed votes of the field officers and the commandants of the separate troops,

Field offi-
cers.

Brigadier-
generals.

batteries, or companies of infantry, of their respective brigades.

§ 69. The commissioned officers of the National Guard shall be commissioned by the Governor, but he may, in his discretion, withhold such commission in order to determine the qualifications of the person for the office to which he shall have been elected or appointed; and in case of a general or field officer, or staff officer ranking above captain, if, upon reference to the Inspector-General, or an examining board, who shall examine the person elected or appointed and report thereon, and in case of a line officer or staff officer ranking below field officers, upon reference to his brigade commander, who shall examine the person elected or appointed and report thereon, such person shall be adjudged unqualified for such office, another person shall, within twenty days after due notice of such adverse decision, be elected or appointed, and in default of such election, the vacancy shall be filled by the Commander-in-Chief. No commissioned officer can be removed from office unless by the senate, on recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, or retiring or examining board, or pursuant to law. But, whenever any regiment shall fall below the minimum strength, as is established by this act, and the same shall have been designated as a battalion, the colonel shall be relieved from command of such battalion, and rendered supernumerary, unless otherwise ordered by the Commander-in-Chief.

Governor to commission officers of the national guard.

May withhold commissions and direct examination.

Removals from office.

Colonels, when to become supernumerary.

§ 70. In case of the election or appointment of a supernumerary officer to office in a regiment, battalion, troop, battery or company, he may be commissioned with rank from the same date as that conferred by his previous commission for like office; and the Commander-in-Chief may assign any supernumerary officer of sufficient rank to fill a vacancy on the staff of any major-general or brigadier-general or commandant of regiment or battalion who requests the same.

Date of rank of supernumerary officer, when re-elected or reappointed.

Supernumerary officers may be assigned to fill vacancies on staffs.

Election of
brigadier-
generals to
fill vacan-
cies.

Notice
thereof.

Election of
field officers
to fill vacan-
cies.

Notice
thereof.

Election of
company
officers.

Of separate
troop or
battery
officers.

Notice
thereof.

Notices of
election,
how served.

§ 71. Whenever the office of brigadier-general is vacant in any organized brigade, the Commander-in-Chief shall issue an order for an election to fill the vacancy, and shall designate a major-general, or some other proper officer, to preside at such election; and the officer so designated shall cause a written or printed notice to be served on each of the field officers and the commandants of the separate troops, batteries or companies of infantry, of the brigade in which the vacancy exists, at least ten days previous to the election, specifying the time and place of holding such election.

§ 72. Whenever the office of any field officer in any organized regiment or battalion is vacant, the commanding officer of the brigade to which such regiment or battalion belongs shall cause a written or printed notice to be served on the field officers and each commissioned troop, battery or company officer in such regiment or battalion for an election to fill the vacancy. The notice shall specify the time and place of holding the election, and be served at least five days before such election shall take place.

§ 73. Whenever the office of captain or lieutenant in any organized troop, battery or company is vacant, the commanding officer of the regiment or battalion to which such troop, battery or company belongs, or in the case of a separate troop or battery, the commandant of the division or brigade to which such separate troop or battery is attached, shall cause a written or printed notice for an election to fill the vacancy to be served on the members of such troop, battery or company at least three days before the election shall take place, and shall specify in such notice the time and place of the election.

§ 74. All notices for any election shall be served on the persons entitled to vote thereat in the same manner as non-commissioned officers, musicians and privates are warned to attend a parade, as prescribed in sections one hundred and thirty-five and one hundred and thirty-six of this act.

§ 75. The officer issuing the notice shall designate some proper person or persons to serve the same or to direct such service; and the person so designated shall make a return of the persons notified, and of the manner of the service.

Designation of person to serve notice, and return of service.

§ 76. The return, if made by a commissioned officer, shall be authenticated by his certificate on honor; if by a non-commissioned officer, by the oath of the person making such service. The oath may be administered by any magistrate or by the officer issuing the notice.

Return, how authenticated.

§ 77. The officer causing the notice to be given for any of the aforesaid elections shall attend at the time and place of holding such elections; he shall organize the meeting and preside thereat, and may, for sufficient cause, adjourn the same from time to time; and in the event of three such meetings having been held resulting in no choice, the vacancy may be filled by the Commander-in-Chief.

Elections, how conducted.

§ 78. If the officer causing the notices to be given shall not attend the meeting for the election, then the officer of the highest rank present, or in case of an equality of rank between two or more, then such one of them as a majority of the electors present shall choose, shall preside at such meeting. And the officer issuing such notices shall cause the proper evidence of service of such notices on all the electors to be delivered to such presiding officer. And at meetings for the election of company officers, the company roll, carefully revised, shall in like manner be delivered with such evidence. And if it shall happen at any election for commissioned officers that legal notice has not been given to all the persons entitled to vote thereat, the presiding officer shall adjourn the meeting, and cause such notice to be given; but the presence of a person entitled to vote at any election shall be deemed a waiver of his right to take exception to the want of legal notice.

Presiding officers.

Company roll to be produced at company elections.

Adjournments.

§ 79. The presiding officer at any election for commissioned officers shall keep the polls open at least

Polls, how long to be open.

Canvass of
votes.

one hour after the time appointed for holding the same. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election.

Acceptance
of office.

If such person shall not, within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been chosen, and an election shall be held for a new choice.

Proceed-
ings of elec-
tion, how
certified.

§ 80. Immediately after the person elected shall have signified his acceptance, the officer who shall have presided at the election shall, in case of the election of a brigadier-general, communicate the same to the Commander-in-Chief, and in all other cases, if not himself the commanding officer of the brigade, shall certify to such commanding officer the proceedings of such election and the names of the persons duly elected.

Vacancies
by election.

§ 81. If at any election an officer, then in commission, shall be elected to fill a vacancy, and shall accept the office to which he may be elected, the electors present, if authorized by law, shall proceed to elect a person to fill the place of the officer so promoted.

Appeals.

§ 82. Every person thinking himself aggrieved by the proceedings at any election for a commissioned officer may appeal, if the election be for a brigadier-general, to the Commander-in-Chief, if for a field officer, to the commanding officer of the division, and in all other cases to the commanding officer of the brigade in which such election may have transpired.

Elections,
when de-
clared void.

§ 83. The officer appealed to shall have power to administer oaths, and shall hear and determine the appeal; and if, in his opinion, the proceedings at such election are illegal, he shall declare the election void, and shall order an election to be held without delay for new choice, unless an appeal shall have been made as provided for in the next succeeding section,

New elec-
tion may be
ordered.

in which case he shall await the decision of the Commander-in-Chief.

§ 84. Any person concerned may appeal from the decision of the commanding officer of the division or brigade to the Commander-in-Chief, who shall hear and determine such appeal, and, in case it shall be necessary, order a new election. Appeals from decisions.

§ 85. The Commander-in-Chief may make such rules and regulations relative to appeals as he shall deem necessary and proper to give full effect to the provisions of the Constitution and of this act. Rules for appeals.

§ 86. The commanding officers of brigades shall transmit the names of persons duly elected and approved, or appointed to offices in their respective brigades, to the Commander-in-Chief, to the end that commissions may be issued to them. But, before making such transmittal, the commandant of brigade may require the persons so elected or appointed to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected or appointed, by a board of examiners consisting of three commissioned officers in the brigade, above the rank of captain, to be appointed by the commandant of the brigade. On the report of such board of examiners the commandant of brigade shall approve or disapprove of the person elected or appointed, and state his reasons therefor in transmitting the return of the election or appointment. And, if the Commander-in-Chief shall adjudge the person unqualified for the office, another person shall, within twenty days after due notice of such adverse decision, be elected or appointed, and in default of such election or appointment the vacancy shall be filled by the Commander-in-Chief. Brigade returns of officers elected.

Brigade commandant may require examinations.

§ 87. The Commander-in-Chief shall commission all officers duly elected or appointed and entitled to the same, in pursuance of the provisions of this act; and every officer duly commissioned shall, within ten days after his commission shall be tendered to him, or within ten days after he shall be personally Report thereon.

Action of governor thereon.

Commissions, to issue.

Oaths of office.

Neglect to take same to create vacancy.

Oaths, before whom taken.

How filed.

Commissions, when to be delivered.

Election of non-commissioned officers.

Election, how conducted and certified.

Issue of warrants to persons elected.

notified that the same is held in readiness for him by any superior officer, take and subscribe the oath prescribed in the Constitution of the State; and in case of neglect or refusal to take such oath within the time mentioned, he shall be deemed to have resigned said office, and a new election shall be forthwith ordered to fill his place.

§ 88. Every commissioned officer shall take and subscribe such oath before a judge of some court of record in this State, county clerk, commissioner to take affidavits, justice of the peace, or some general or field officer who has taken it himself, and who is hereby authorized to administer the same.

§ 89. A certificate of the oath shall be indorsed by the officer administering the same on the commission, and a copy thereof shall be filed in the Adjutant-General's office; but no fee shall be received for administering any such oath, or indorsing such certificate.

§ 90. The superior officer who shall receive a commission for any subordinate officer shall, within fifteen days thereafter, transmit the same to the person entitled to it.

§ 91. Any organized troop, battery or company may, at any regular meeting thereof, elect non-commissioned officers to fill any vacancy therein, and the commandants of troops, batteries or companies may, whenever they deem it necessary, call a special meeting of their respective troops, batteries or companies for the election of non-commissioned officers.

§ 92. Such election for non-commissioned officers shall be directed and conducted by the commanding officer of such troop, battery or company for the time being, who shall certify the names of the persons elected to the commanding officer of the regiment or battalion to which the troop, battery or company belongs or, in the case of a separate troop or battery, to the commandant of the division or brigade to which such separate troop or battery is attached, who shall decide upon the legality of the elec-

tion, and shall issue warrants to the persons duly elected.

§ 93. No person shall be allowed to vote at any election for a commissioned or non-commissioned officer of a troop, battery or company, unless he is an actual member of such troop, battery or company, wherein he shall offer to vote, and liable to do military duty therein. Right to vote at elections.

§ 94. If any person offering to vote at any election for a commissioned or non-commissioned officer of a troop, battery or company shall be challenged as unqualified by any person entitled to vote thereat, the presiding officer shall declare to the person so challenged the qualifications of an elector, and if he shall state himself to be duly qualified, and the challenge shall not be withdrawn, the presiding officer shall then tender him the following oath: Challenges.

“You do swear (or affirm) that you are an actual member of the troop, battery or company commanded by _____, and that you are liable to do military duty therein.” Oath thereon.

§ 95. A majority of the votes of all persons present and voting at an election of commissioned officers shall be necessary to a choice; in all other cases a plurality shall be sufficient. Number of votes necessary to elect officers.

§ 96. Resignations of commissioned officers shall be in writing, directed to the Adjutant-General, and transmitted immediately through and by all intermediate commanders who will indorse the same with their approval or disapproval. No officer shall be considered out of the service on the tender of his resignation, nor until it shall have been accepted by the Commander-in Chief. Resignations, how transmitted.

§ 97. No officer shall be permitted to resign his commission who shall be under arrest, or returned to a court-martial for any deficiency or delinquency; and no resignation shall be accepted unless the officer tendering the same shall furnish to the Adjutant-General satisfactory evidence that he has delivered all moneys in his hands as such officer, and all books Officers not out of service until resignation has been accepted.

Officers under arrest, etc., not to resign.

Military property to be delivered over before acceptance of resignation.

and other property of the State in his possession to his next superior or inferior officer, or the officer authorized by law to receive the same, and that his accounts for money or public property are correct, and that he is not indebted to the State.

Resignations during war, when to take effect.

§ 98. In time of war, or when the military forces of the State are in actual service, resignations shall take effect thirty days from the date of the order of acceptance, unless otherwise specially ordered by the Commander-in-Chief.

Commander-in-chief to give notice of acceptance.

§ 99. On accepting the resignation of any officer, the Commander-in-Chief shall give notice of such acceptance to the officer whose duty it is to order an election or to make an appointment to fill the vacancy caused by such acceptance. When the military forces of the State shall be in the actual service thereof, or in the service of the United States in time of war, insurrection, invasion, or imminent danger thereof, the Commander-in-Chief shall fill all vacancies of commissioned officers by appointment.

Filling of vacancies

Vacancies by removal out of command.

§ 100. Except as provided in section eighteen of this act, every officer who shall move out of the bounds of his command (unless such removal shall not be beyond the bounds of a city in which such command shall lie in whole or in part), and every officer who shall be absent from his command, twelve months without leave of the commanding officer of his division or brigade, or, in case of a major-general or brigadier-general, without leave of the Commander-in-Chief, shall be considered as having vacated his office, and a new election shall be held, or a new appointment made, without delay, to fill the vacancy so created.

Military examining board.

§ 101. The Commander-in-Chief is hereby authorized, so often as he may deem that the good of the service requires, to appoint a military board or commission of not less than three nor more than five officers, to sit at such places as he shall direct, which board is hereby invested with the powers of courts of inquiry and courts-martial; and it shall be the

Powers thereof.

duty of the said board to examine into the physical ability, moral character, capacity, attainments, general fitness for the service, and efficiency of such commissioned officers, as the Commander-in-Chief may order to be thus examined. And the commandants of divisions, brigades, regiments or battalions may report to the Adjutant-General any of their subordinate commissioned officers for such examination. If the decision of said board be unfavorable to such officers, and be approved by the Commander-in-Chief, they shall be discharged from the service; provided, always, that the members of said board shall, before entering upon the duties of their position, be sworn to an honest and impartial performance of those duties, such oath to be taken by the ranking officer of said board according to the provisions of section eighty-eight of this act, and such ranking officer shall then administer a like oath to each of the other members of said board; and provided further, that no officer whose rank or promotion would in any way be affected by the decision of said board, in any case that may come before it, shall participate in the examination or decision of the board in such case; and that at least two of its members shall be of equal rank with the officer to be examined; and that no officer shall be examined on irrelevant subjects, or in reference to military matters relating to a grade higher than that for which he is commissioned. The officers constituting such board shall receive the same pay and allowances for traveling expenses as members of courts-martial.

§ 102. No officer, whose commission shall have been vacated under the next preceding section, shall be eligible for election to any military office for the period of one year, and his election shall be void; and, in case the vacancy so created shall not, within thirty days, be filled by the election of some other and proper person, the Commander-in-Chief shall have power to fill such vacancy by appointment.

Commandants may report subordinate officers for examination.

Decisions to be approved by commander-in-chief.

Oaths of board.

Officers not to act on board when interested.

Rank of board.
Scope of examination.

Pay of board.

Ineligibility of dismissed officers to re-election for one year.

When
officers may
be retired.

§ 103. Any commissioned officer who has become or shall hereafter become disabled or unfit and incapable of performing the duties of his office, and any commissioned officer who shall have served in the same grade for the continuous period of ten years, may be placed on the supernumerary list, and withdrawn from active service and command, by order of the Commander-in-Chief; but such order shall be subject to the provisions of the next succeeding section.

Board to
examine as
to inca-
pacity, etc.

§ 104. In order to carry out the provisions of the last preceding section, the Commander-in-Chief shall appoint a board of not less than three nor more than five commissioned officers, one of whom shall be of the medical staff, whose duty it shall be to determine the facts as to the nature and occasion of the incapacity of such officers as appear disabled or unfit, from any cause, to perform military service, and whose cases shall be referred to it by the Commander-in-Chief. The said board is hereby invested with the powers of courts of inquiry and courts-martial, and, whenever it finds an officer incapacitated for active service, shall report such fact to the Commander-in-Chief, and if he approves such judgment, the disabled officer shall thereupon be placed upon the supernumerary list, according to the provisions of this act; provided, always, that the members of the board shall in every case be sworn to an honest and impartial performance of their duties according to the provisions relating thereto in section one hundred and one of this act, and that no officer shall be placed upon the supernumerary list by the action of said board without having had a fair and full hearing before the board, if, upon due notice, he shall demand it. Provided, however, that it shall not be necessary to refer any case for the action of such board, arising under section one hundred and three of this act, unless the officers designated by the Commander-in-Chief to be placed on the supernumerary list and retired shall, within twenty days

Powers of
board.

Oaths of
board.

Officers
upon no-
tice, may
demand
hearing.

after being notified that they will be so retired, serve on the Adjutant-General a notice in writing that they demand a hearing and examination before such board; and, provided further, that no officer, whose rank or promotion would be affected by the decision of such board in any case that may come before it, shall participate in the examination or decision of the board in such case. The officers constituting such board shall receive the same pay and allowances for traveling expenses as members of courts-marshal.

Officers
interested
not to act.

Pay of
board.

§ 105. In time of war, insurrection, invasion or imminent danger thereof, when the military forces of this State shall be in the actual service thereof, or of the United States, the Commander-in-Chief shall have power, whenever the public interests, in his opinion, so require, to suspend from active service such officer or officers as he shall deem it discreet so to suspend, and to fill the vacancy thus created by appointment; but no such suspension shall continue for a longer period than thirty days, unless a court-martial shall have in the mean time been ordered for the trial of such officer or officers.

Suspensions from
active
service.

How long
to continue.

ARTICLE VII.

OF THE ORGANIZATION OF BANDS OF MUSICIANS.

§ 106. The commanding officer of each regiment or battalion may, in his discretion, enlist or organize a band of musicians, and by warrant, under his hand, may appoint a leader of such band, with the rank of sergeant-major.

Band.

Leader to
be sergeant-
major.

§ 107. Such musicians shall be subject to the orders of such leader, and be under the command of the commanding officer of the regiment or battalion; and the whole or any part of said band may be required by such commanding officer to appear at any meeting of the officers for military purposes, and at the review and inspection or encampment, or at any parade of such regiment or battalion.

To be sub-
ject to
leader.

When to
appear for
duty.

Leader to
make
return of
delinquen-
cies.

§ 108. The leader of each band shall, whenever required by such commanding officer, make returns to him of the warning of the members of his band, and of the delinquents and delinquencies therein, which returns shall be duly authenticated by the oath of such leader, taken before a field officer of such regiment or battalion; and such returns, so sworn to, shall be received as evidence in all cases, in the same manner as like returns of non-commissioned officers of infantry companies.

Courts-
martial may
impose
penalties.

§ 109. Such commanding officer shall make the like returns of all such delinquents and delinquencies, as in cases of non-commissioned officers and musicians in companies of infantry, and with like effect, and the courts-martial shall impose the like penalties on such delinquent members of said band.

Disbanding
of band.

§ 110. The commanding officer of each regiment or battalion shall have authority to disband such band, whether now or hereafter established, and to revoke the warrant of its leader; and, when so disbanded, the leader and musicians shall have allowed to them, as part of their term of service, the time already served.

Allowance
of time of
service.

Act, how to
apply.

§ 111. The provisions of this article shall only apply to musicians employed in bands provided for in this article.

ARTICLE VIII.

OF ARMS, UNIFORMS AND EQUIPMENTS.

Officers to
procure
arms, uni-
form and
equipments

Non-com-
missioned
officers,
musicians
and pri-
vates to
provide
uniforms
and equip-
ments, but
State to
furnish
them arms.

§ 112. Every commissioned officer shall provide himself with arms, uniform, and equipments, and every non-commissioned officer, musician and private, shall provide himself with a uniform and equipments according to the rules and regulations prescribed by law, and subject to such restrictions, limitations and alterations, as the Commander-in-Chief may order; but every non-commissioned officer, musician and private shall be furnished, at the expense of the State, with arms; and such uniform, arms, and equipments shall in no case be different

from those prescribed by the general regulations of the military forces of the State of New York, unless by special authority of the Commander-in-Chief.

§ 113. In lieu of uniforms and equipments being furnished by the State to non-commissioned officers and privates, as heretofore provided by law, there shall annually be paid by the State to the military fund of each regiment, battalion and separate troop, battery or company of infantry, for the purpose of aiding the non-commissioned officers, musicians and privates of said organizations in procuring their uniforms and equipments, a sum equal to seven dollars for each of its non-commissioned officers, musicians, and privates, who paraded during the year preceding, fully uniformed, armed and equipped, according to the provisions of this act, at least seven different times, four of which shall have been on the occasion of regimental, battalion, separate troop, battery or company parades. And in order to determine the amount of money to which each regiment, battalion, separate troop, battery or company will be entitled under the provisions of this section, the commandant of each regiment, battalion and separate troop, battery or company, shall transmit to the Adjutant-General, during the month of December, and prior to the fifteenth day thereof in every year, a roll giving the name and description of each non-commissioned officer, musician and private in his command who paraded at least seven different times, as hereinbefore specified, stating the occasions, during the year next preceding the said month of December, which roll the said commandant shall certify to on honor. And for the purpose of paying the said sums of money, the Comptroller shall draw his warrants upon the Treasurer in favor of the county treasurers, in the same manner as is provided in section one hundred and seventy-eight of this act, on the certificate of the Adjutant-General and Inspector-General, approved by the Commander-in-Chief, showing the amount that each regiment, battalion, separate troop, battery

Payments by State, to regimental funds, for aiding non-commissioned officers, musicians and privates in procuring uniforms and equipments.

Amount of money to which organization may be entitled, how determined.

Annual return, as to number of parades attended.

Payments, how made.

Money for uniforms and equipments not to be applied to other purposes.

or company is entitled to. The said money, thus appropriated for uniforms and equipments shall be held sacred and inviolate for such purpose, and shall not, in any event, be expended for any other; provided, however, that uniforms and equipments may be furnished to new organizations, in the first instance, directly by the State; and, also, further provided, that equipments required prior to the first day of October, eighteen hundred and seventy-five, may be furnished under the provisions of the laws in force at the time of the passage of this act, But the provisions of this section and the next preceding one relating to equipments shall not apply to the enlisted men of the cavalry and artillery, except in so far as their personal equipments are concerned.

Penalty for selling or secreting arms, uniforms, etc.

§ 114. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge any arms, uniforms or equipments, which shall have been issued under the provisions of the Military Code, and any member of the National Guard who shall, when not on duty, wear any such uniform or equipments, without the permission of his commanding officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one, nor more than two months, or by a fine of not more than one hundred nor less than fifty dollars; and it is hereby made the duty of any police justice in any city or incorporated village of this State, and of any justice of the peace, upon complaint duly made upon affidavit, showing a violation of this section, to issue a warrant for the arrest of the offender, and to cause him to be brought before such police justice or justice of the peace, to be dealt with according to law.

How recovered.

Chief of ordnance to procure arms, etc.

§ 115. The Chief of Ordnance shall, under the direction and with the approval of the Commander-in-Chief, cause to be procured the arms and equipments which may, from time to time, be required for the purposes provided in this act in all cases where they are furnished directly by the State. And the

Comptroller shall draw his warrant upon the Treasurer, on the certificate of the Adjutant-General, approved by the Commander-in-Chief, for such sums as shall, from time to time, be expended for the purchase or manufacture of said arms and equipments; provided, always, that the prices paid for the same shall in no case exceed the prices paid for arms and equipments of like quality for the army of the United States.

Expenditures, how paid.

Proviso as to price.

§ 116. The Chief of Ordnance shall furnish, at the expense of the State, including transportation, on the order of the Commander-in-Chief, to each regularly organized regiment, battalion, troop, battery or company of the National Guard, all the necessary arms and equipments suited to the arm of the service to which it belongs, in all cases where it is provided that they shall be furnished directly by the State. But no arms or equipments shall be furnished to any company or corps unless such company or corps shall be connected with the regular military organization of the State.

To furnish arms and equipments to organized military.

No arms or equipments to be furnished to other than regular military organizations of the state.

§ 117. The commanding officer of each regiment, battalion, troop, battery or company shall be responsible for the safe-keeping and return of all arms and equipments committed to his charge, and shall execute such bonds as the Commander-in-Chief shall require from time to time; and no arms and equipments shall be so furnished until bonds for the safe-keeping and return of the same shall be made out and approved by the Commander-in-Chief, nor until a suitable armory or place of deposit for the same shall be assigned, rented or erected.

Responsibility of commanding officer for arms, etc.

To execute bonds.

Armory.

§ 118. The commanding officer of any regiment, battalion, troop, battery or company who shall have received, according to the provisions of this act, any arms and equipments from the State for the use of his regiment, battalion, troop, battery or company, shall distribute the same to his command as he shall deem proper, taking vouchers therefor, and he shall require those to whom they were distributed to return

Distribution of arms, etc.

May order return thereof.

Penalty for
neglect of
order.

them at such time and place as he shall order and direct; and any officer who shall neglect or refuse to comply with such order shall forfeit a sum not to exceed double the price of any arms or equipments he shall have received, to be sued for and collected in the name of the commandant of the regiment or battalion, for the use of the military fund of such regiment or battalion.

Bonds for
safe-keep-
ing of arms.

§ 119. Whenever the commissioned officers of the National Guard shall make application to the commanding officer of their regiment or battalion for any suitable arms or equipments, and shall, at the same time, furnish such commanding officer with sufficient bonds for the safe-keeping and return of the same, he may deliver to such officers such arms and equipments belonging to the State as he shall deem proper; but no such arms or equipments shall be delivered, unless the bonds given for the safe-keeping and return thereof shall be approved by the sureties who became responsible in the bonds furnished to the Commander-in-Chief for all such arms and equipments.

ARTICLE IX.

OF ARMORIES, HOW PROVIDED, AND HOW TAKEN CARE OF.

Boards of
supervi-
sors, when
to provide
company
armories.

§ 120. Whenever it shall appear by the certificate of the commandant of the regiment or battalion to which any troop, battery or company, organized under the provisions of this act, belongs, or, in the case of a separate troop, battery or company, by the certificate of the commandant of the brigade or division to which it is attached, together with the certificate of the Adjutant-General, that such troop, battery or company has reached the minimum number of non-commissioned officers, musicians and privates, established by section twelve of this act, who regularly attend the drills and parades of such troop, battery or company, the supervisors of the county in which such troop, battery or company is

located, shall, upon the demand of the captain or commandant of such troop, battery or company, countersigned by the commandant of the regiment or battalion to which such troop, battery or company belongs, or in the case of a separate troop, battery or company, by the commandant of the brigade or division to which it is attached, erect or rent, within the bounds of such county, for the use of such troop, battery or company, a suitable and convenient armory, drill-room, and place of deposit for the safe-keeping of the arms, uniforms, equipments, accoutrements and camp equipage furnished under the provisions of this act. Whenever the division commander and the Inspector-General shall deem expedient that a regimental or battalion armory be provided to be used by all the companies of a regiment or battalion, the supervisors of the county in which such regiment or battalion is located shall, upon the demand of the commandant of such regiment or battalion, erect or rent within such county suitable and convenient premises, approved by the division commander, and the Inspector-General, for a regimental or battalion armory, to be used by all the companies of such regiment or battalion, except in places where such accommodation is provided in a state arsenal.

Regimental
armories.

In the city and county of New York, on the proper demands, countersigns and certificates as hereinbefore provided, the board of aldermen of the city of New York, by a resolution duly passed by a majority of all the members elected to said board, and approved by the mayor, may authorize the purchasing and leasing of lands, and the leasing or erection of buildings for armories and drill-rooms for the use and occupation for military purposes of the National Guard, in the city and county of New York, in the manner hereinafter provided. All leases so authorized must be approved as to their form, terms and manner of execution by the mayor, the president of the board of aldermen, and the Comptroller of the

Special provisions relating to armories in the city of New York.

city of New York, or a majority of them, and the sums of money reserved for rent therein shall be inserted in the annual tax levy and raised by taxation, as is hereinafter provided in the case of moneys appropriated for the erection of such buildings. A resolution, passed and approved as aforesaid, may authorize the purchasing and leasing of lands and the erection of buildings for armories and drill-rooms upon lands belonging to the city of New York, other than the public squares and parks of said city, and shall designate the lands to be used for such purpose, and specify the sum appropriated therefor, which sum shall be inserted in the annual tax levy by the board of estimate and apportionment, and raised by taxation upon the estates liable to taxation in said city. The sum appropriated for the purchasing and leasing of lands and the erection of buildings may be inserted in one annual tax levy, or distributed among several, as the board of estimate and apportionment may deem proper. Whenever such a resolution authorizing the purchasing and leasing of lands and the erection of buildings for such purpose shall have been passed and approved, as aforesaid, the department of public works is hereby authorized and required to proceed with the work of erecting such building on the lands designated in the manner hereinafter provided. As soon as may be after the passage of said resolution as aforesaid, the mayor, the president of the board of aldermen and the commissioner of public works of said city, or a majority of them, shall meet at the office of the mayor, on the call of the latter, and select and employ, as soon as possible, a competent architect to draw plans and specifications for such building, and to superintend the construction and erection of the same, and thereafter when made, or from time to time, such plans and specifications in duplicate shall be submitted to, passed upon and approved in writing by the mayor, the president of the board of aldermen, the commissioner of public works and the

commandant of the first division of the National Guard, or a majority of them. And thereupon one of such duplicates shall be filed for record with the department of public works. As soon as such plans and specifications shall have been accepted and approved as aforesaid, the department of public works shall proceed forthwith to make and let the contracts for the work and materials required, in the same manner and with like effect as contracts for work and supplies are now by law made and let by the several departments of the city government. All proper expenses, charges and bills for the erection of such building shall, upon the proper certification of the superintending architect and the commissioner of public works, be paid by the Comptroller of the city of New York, out of the appropriation made as herein provided for said purposes.

§ 121. The expense of erecting or renting such armories shall be a portion of the county charges of such county, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. But no moneys shall be appropriated, or expense incurred for furnishing or decorating any building erected or rented under the provisions of this act, except for providing the necessary camp stools, apparatus and fixtures for heating and lighting such building, and for properly preserving from injury the arms, equipments and uniforms stored therein.

Expense thereof, how paid.

§ 122. In case such armory shall not be erected or rented by the supervisors for the use of such troop, battery or company, within three months after the proper application has been made therefor, and there shall have been a meeting of the board of supervisors, the commandant of the regiment or battalion, or, in the case of a separate troop, battery or company, the commandant of the brigade or division to which such separate troop, battery or company is attached, in his discretion, with the approval of the Inspector-General, may rent a room or building, to be used for

How commandants may rent armories, if supervisors neglect.

the purpose of such armory, and the amount of annual rent thereof, provided the same shall not exceed the sum of three hundred and fifty dollars for each troop, battery or company in the several cities of this State, and two hundred and fifty dollars for each troop, battery or company not located in cities, shall be a county charge, and shall be levied, collected and paid by such supervisors in the same manner as other county charges are levied, collected and paid.

Control of
local
armories.

§ 123. Such armory, when erected or rented, shall be under the control and charge of the commanding officer of the regiment, battalion, separate troop, battery or company for which it has been provided; and such commanding officer shall deposit therein all arms and equipments received from time to time for the use of his regiment, battalion, separate troop, battery or company; the chiefs of the general staff departments of the State, and division and brigade commanders and their respective staff officers shall at all times have access to such armory, whenever, in their judgment, the exigencies of the service may require it.

Appoint-
ment of
armorer.

§ 124. The commanding officer of each regiment, battalion or separate troop, battery or company, shall appoint a suitable person to take charge of the armories or places of deposit of his regiment, battalion or separate troop, battery or company, and all uniforms, arms, equipments and other property which shall have been issued under the provisions of this act therein deposited, and to discharge all duties connected therewith, as shall be, from time to time, prescribed by such commanding officer.

Compensa-
tion of per-
son in
charge of
armory.

§ 125. Such person so appointed to take charge of an armory shall receive a compensation not to exceed three dollars per day for the time actually employed in the duties indispensably necessary for the safe-keeping and preservation of the property therein committed to his charge, in armories located in the various cities, and two dollars per day in the armories

not located in cities; which compensation, as certified to by the commanding officer appointing such person, under the provisions of the last preceding section, shall be a county charge upon the county in which said armory is situated, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. How paid.

§ 126. The Commander-in-Chief may, from time to time, make such orders, rules and regulations as he deems proper for the observance of all officers and persons having charge of any arsenal or armory. Rules and orders.

§ 127. Any person who shall willfully injure any arsenal or armory, or its fixtures, or any uniforms, arms or equipments, or any other property therein deposited, shall be deemed guilty of a misdemeanor. Injury to arsenals or arms, how punished.

§ 128. The Chief of Ordnance may, from time to time, require any officer of his department to examine any armory provided as aforesaid, and report to him the condition thereof, and of the arms, equipments and camp equipage and other property therein deposited. Examination by ordnance department.

§ 129. All officers applying for the issue of camp equipage shall set forth in their application the number of tents and other camp equipage which they will require, the time when their respective regiments, battalions, troops, batteries or companies go into camp, and the number of days which such encampment will continue; and the commanding officer of each camp shall, immediately after the breaking up of the encampment, cause the tents and other camp equipage to be returned to such of the State arsenals, or turned over to such officer as may be directed by the Adjutant-General; provided, however, that such tents and other camp equipage shall be deposited in some one of the State arsenals on or before the first day of November in each year. Camp equipage, how issued.

Return thereof.

ARTICLE X.

OF THE DRILLS, PARADES AND RENDEZVOUS OF THE
NATIONAL GUARD.

Annual
parade of
uniformed
militia for
muster and
inspection,
etc.

§ 130. Whenever any troops, batteries or companies shall be organized, uniformed, armed and equipped, in accordance with the provisions of this act, such troops, batteries or companies shall parade annually thereafter by regiment, battalion, separate troop, battery or company at such time and place, between the first day of May and the first day of November, as the commanding officers of their respective divisions or brigades shall order and direct, for the purpose of muster, discipline, inspection and review. At any such parade, all the commissioned and non-commissioned officers, musicians and privates shall appear and discharge any and all the duties required to be performed by the commanding officer. No person shall be permitted in the ranks on any parade who does not appear uniformed, armed and equipped suitably to the troop, battery or company to which he belongs, and according to the provisions of this act; and all members who shall appear without such suitable uniform, arms and equipments at any parade, shall be returned as absent from parade, and fined accordingly. At such annual parade an inspection and muster shall be made by the division or brigade inspector of each commissioned and non-commissioned officer, musician and private present and absent, and four muster-rolls shall be made and officially certified to by such division or brigade inspector, in accordance with such regulations and restrictions as may be prescribed by the Commander-in-Chief. And the division or brigade inspector shall, at the same time or immediately thereafter, file one of the said muster-rolls in the office of the Adjutant-General, one with the commandant of the regiment or battalion, one with the commandant of the troop, battery or company, and retain one himself.

Who to
appear
thereat.

Inspection
and muster.

Muster
rolls, how
filed.

§ 131. In addition to the annual parade and inspection specified in section one hundred and thirty of this act, there shall be six drills or parades of the National Guard in each year, not less than three of which shall be by regiment, battalion, or separate troop or battery, and at such times, and places as the Commander-in-Chief, commandant of division, brigade, regiment or battalion, or separate troop or battery, shall direct, and on the order of the commandants of regiments or battalions, there may be additional parades of their regiments or battalions, but such additional parades shall not exceed four in number in any one year.

Six additional drills or parades required.

Commandants of regiments or battalions may order four additional parades.

§ 132. The commanding officer, at any parade, may cause those under his command to perform any field or camp duty he shall require; and also may put under guard, for the day or time of continuing such parade, any officer, non-commissioned officer, musician or private who shall disobey the orders of his superior officer, or in any way interrupt the exercises of the day; and any other persons who shall trespass on the parade ground, or in any way or manner interrupt or molest the orderly discharge of duty of those under arms; and also may prohibit and prevent the sale of all spirituous liquors within one mile of such parade or encampment; and also, in his discretion, all hucksters or auction sales, or gambling, may be abated as nuisances.

Field and camp duty thereat.

Disobedience and trespass, how punished.

Sale of liquors and gambling, etc., prohibited.

§ 133. In addition to the drills and parades hereinbefore specified, the commanding officers of troops, batteries or companies may require the officers, non-commissioned officers, musicians and privates of their troops, batteries or companies to meet for company drill and parade once in each month during any six months of every year, and so much oftener as a majority of the members of such troop, battery or company shall prescribe in and by the by-laws for the government of the same.

Monthly company drills.

§ 134. No parade or rendezvous of the National Guard shall be ordered on any day during which a

Parades not to be held on election days.

Nor within
five days
previous.

general or special election shall be held, nor within five days previous to such election, except in case of riot, invasion or insurrection, or of imminent danger thereof; and if any officer shall order any such parade or rendezvous, he shall forfeit and pay to the people of this State the sum of five hundred dollars.

Order for
warning to
attend
parades.

§ 135. For the purpose of warning the non-commissioned officers, musicians and privates for any parade, encampment or place of rendezvous, the commandant of each troop, battery or company shall issue his orders, under his hand, to his non-commissioned officers, or to such of them as he may deem proper, requiring them respectively to warn all the non-commissioned officers, musicians and privates of his company to appear at such parade, encampment or place of rendezvous, uniformed, armed and equipped, according to law and regulation.

Notice, how
given.

§ 136. Each non-commissioned officer to whom such order shall be directed shall warn every person whom he shall be therein required to warn, by reading the orders, or stating the substance thereof in the hearing of such person; or in case of his absence, by leaving a notice thereof at his usual place of abode or business, with some person of suitable age and discretion, or by sending the same to him by mail, directed to him at the post-office nearest his place of residence.

Return as
to persons
warned.

§ 137. Such non-commissioned officer shall make a return to the commandant of his company, in which he shall state the names of all persons by him warned, and the manner of warning them respectively, and shall make oath to the truth of such return, which oath shall be administered by the said commandant, and certified by him on the warrant or return; and such commandant shall deliver the return, together with his own return of all delinquencies, to the president of the proper court-martial.

Return
to be evi-
dence of
service of
notice.

§ 138. The return of such non-commissioned officer so sworn to and certified, shall be as good evidence, on the trial of any person returned as a delinquent,

of the facts therein stated, as if such officer had testified to the same before the court-martial on such trial.

§ 139. Every commandant of a troop, battery, or company shall make the like return, on honor, and with like effect, of every delinquency and neglect of duty of his non-commissioned officers, either in not attending at any parade or encampment or not executing or returning a warrant to them directed, or not obeying the orders of their commanding officers; and also the names of every non-commissioned officer, musician or private who shall refuse or neglect to obey the orders of his superior officer, or to perform such military duty or exercise as may be required, or depart from his colors, post or guard, or leave the ranks without permission from his superior officer.

Commandants to make return of delinquency.

Of disobedience of orders.

§ 140. Any commissioned officer of a troop, battery or company may, without a warrant, warn any or all of the members of his command to appear at any parade, encampment or place of rendezvous. Such warning may be given by him, either personally or by leaving a notice or sending by mail in the same manner as if given by a non-commissioned officer; and his certificate, upon honor, shall be received by any court-martial as legal evidence of such warning.

Commissioned officers may give warning.

§ 141. Nothing in the provisions of this act shall be so construed as to preclude, in the absence of a proper return, the giving in evidence, at any court-martial upon trial for delinquencies, neglects of duty or offense whatsoever, matters of fact which go to substantiate the charge or offense, but all such proof shall be received under the usual rules of evidence in courts of justice.

Proviso, as to evidence at court-martial.

§ 142. All notices, warrants or summons for officers, non-commissioned officers, musicians and privates of any troop, battery or company to attend a drill, improvement meeting or court-martial, may be served either personally or by leaving a written or printed notice, containing the substance of such notice, warrant or summons at the dwelling-house,

Service of notices, warrants, etc.

store, counting-house or the usual place of business of the person to be notified, warned or summoned, with some person of suitable age and discretion; and any officer, non-commissioned officer, musician or private may also be warned to attend any parade, encampment or drill, by inclosing a notice, addressed to him at his place of residence, by mail, directed to him at his nearest post-office, at least five days before the time of such parade, encampment or drill.

Officers and non-commissioned staff, how warned.

§ 143. The officers and non-commissioned staff officers of each regiment or battalion shall be warned to attend any parade or drill in the same manner as is prescribed by law for the warning of the privates of any company, and the commanding officer of each regiment or battalion may designate and order any or all of the non-commissioned staff officers of the regiment or battalion to perform that duty, who shall make return thereof to the commanding officer, or the adjutant of the regiment or battalion in the same manner, and under the same penalties for delinquencies, as are by law imposed on non-commissioned officers of companies for similar delinquencies.

Orders for encampment and review, how published.

§ 144. All orders for muster, encampment, inspection and review shall be published at least ten days previous to such parade, in such manner as the commandant of the brigade shall direct, and notice thereof shall at the same time be given to the Inspector-General; and all commanding officers of regiments, battalions, troops, batteries or companies may, on any parade, read brigade, regimental or battalion orders, and notify their several commands to appear as specified in said brigade, regimental or battalion order for the purposes therein contained, which notice shall be a sufficient warning to all persons present.

Reading of orders on parade.

Fines for neglect to attend parades, etc.

§ 145. Every officer, non-commissioned officer, musician and private of any troop, battery or company who shall unnecessarily or inexcusably neglect to appear on the days at the time and place appointed for such duty, agreeably to the provisions of this act,

shall be subject to such fines and penalties as are hereinafter provided.

§ 146. The commanding officer of any brigade, regiment or battalion, in addition to the rendezvous above prescribed, may require the commissioned officers and non-commissioned officers of his brigade, regiment or battalion, to meet for exercise and improvement at such times and places as he shall appoint; and he may require them to appear with such arms and accoutrements as he may prescribe; said officers shall thereupon be formed into a corps of instruction, without regard to rank, and shall be thoroughly instructed in the manual of arms, the school of the soldier and company, and in such other theoretical and practical details of duty as the said commanding officer shall deem proper.

Meetings
for exercise
and im-
provement.

Corps of
instruction.

§ 147. Each commandant of division, accompanied by the officers of the division staff, uniformed, armed and equipped, as the law and regulations direct, shall inspect and review at least one of the brigades in his division every year.

Division
command-
ant to
inspect
brigade.

§ 148. The commandant of each brigade shall attend, with the officers of the brigade staff, uniformed, armed and equipped, as the law and regulations direct, the annual inspection and review of the several regiments and battalions in his brigade.

Regimental
reviews by
brigade
command-
ant.

§ 149. It shall be the duty of commandants of troops, batteries or companies, at the annual muster and inspection, to furnish the brigade inspector with a return which will show:

Annual
return to
brigade
inspectors.

1. The number of commissioned officers, non-commissioned officers, musicians and privates of his troop, battery or company present on parade, designating the number of each.
2. The number of such troop, battery or company absent from parade.
3. The uniforms, arms and equipments inspected.
4. The number of uniforms belonging to said troop, battery or company.

To show
number in
attendance

Number
absent.

Arms
inspected.
Uniforms.

Arms and equipments

5. The arms and equipments in the possession of said troop, battery or company.

Annual regimental return.

§ 150. It shall be the duty of each commandant of a regiment or battalion, within twenty days after the annual inspection, to furnish the brigade inspector with a return of the field and staff officers, non-commissioned staff officers and musicians of said regiment or battalion, present and absent, armed and equipped and uniformed according to law and regulation.

Brigade inspector to attend encampments.

§ 151. At all encampments, the brigade inspector shall attend on the first day thereof to superintend, as drill officer, the exercises and manœuvres, and to introduce the system of discipline which is or shall be prescribed by law; and he shall also make an annual inspection at such times as the commanding officer of the brigade shall order and direct.

Annual inspections.

Muster and inspection return, transmission of to adjutant-general.

§ 152. It shall be the duty of the division or brigade inspector to transmit a copy of the muster and inspection returns annually, to the Adjutant-General immediately after the muster and inspection shall be made. In order to secure a proper accountability for each member, and also for the security of the property issued by the State, the annual inspection and muster-rolls of each troop, battery and company, and of each regiment and battalion, shall be examined and compared by the Inspector-General with the muster-in-rolls, and the last muster and inspection rolls of the several companies, batteries, troops, battalions and regiments; and the annual appropriation of money provided by section one hundred and seventy-eight of this act shall be allowed to such regiments, battalions, troops and batteries, and separate companies only, as shall make a proper return of such rolls, and upon the certificate of the Inspector-General that such rolls make a satisfactory exhibit of the number of the organization and of the State property issued thereto.

Comparison of inspection rolls with muster rolls by the inspector-general.

Who shall make certificate.

§ 153. It shall be the duty of the brigade inspector, within thirty days after the annual inspection and review in each year, to transmit to the Adjutant-

Annual report of brigade inspector.

General a report of the reviews and inspections of the several regiments or battalions in his brigade, attended by the commanding officer of brigade, with the brigade staff, uniformed, armed and equipped according to law and regulations. And the division inspector shall make a like report with respect to the reviews and inspections of the several brigades in his division, attended by the commanding officer of the division, with the division staff, uniformed, armed and equipped according to law and regulations.

Of division
inspector.

§ 154. In case any general officer or any member of his staff shall neglect to attend such inspection and reviews as he is required to attend by this act, it shall be the duty of the Adjutant-General to require such officer to render an excuse in writing to the Commander-in-Chief for his delinquency. If the Commander-in-Chief shall deem such excuse insufficient he shall order a court-martial to try the delinquent.

General
officers and
their staff
to render
excuse for
neglect to
attend.

§ 155. The commandants of divisions shall discharge the duties, possess the powers, and be liable to the penalties pertaining to their office, as granted by law or military custom, provided that no division parades, except of the first and second divisions, or in case of invasion, insurrection, or to aid the civil authorities, shall be ordered without the consent of the Commander-in-Chief.

Division
parades,
when and
where
authorized.

§ 156. The Commander-in-Chief may order such parades or drills of the troops, or any part of them, as he shall deem proper.

Command-
er-in-chief
may order
drills, etc.

§ 157. There may be a camp of instruction once in each year in each of the division districts of this State, if the Commander-in-Chief shall so order, to be held at such time and in such manner as he shall direct; and the Commander-in-Chief is hereby authorized and empowered to order such companies, batteries, troops, battalions and regiments in such division districts, respectively, to attend such camps as he may deem proper, but in such manner that all the companies, batteries, troops, battalions and regi-

Division
camps of
instruction.

Attendance
thereat.

ments therein shall be ordered to attend such camp from year to year in rotation as nearly as may be practicable; provided, always, that not more than ten thousand men in any one year shall be ordered to attend said camps; and in case suitable ground cannot be found in such district for said camp, the same may be held in the adjoining district. Such camps shall continue for a period not exceeding ten days, and shall be governed by the rules and regulations of the army of the United States.

How long
to continue.

Command-
er-in-chief
may order
troops to be
stationed
in forts.

§ 158. The Commander-in-Chief is hereby authorized and empowered, in his discretion, to order such regiments, battalions, troops, batteries or companies as he shall deem proper, and without regard to arm of the service, not, however, exceeding one thousand men in any one year, to be stationed at such forts or other places as may be furnished by the United States government, or as may be convenient for that purpose within the State of New York, for a period not exceeding ten days in any one year, for instruction in the management of heavy artillery for sea and lake coast defense, under such instructors as he shall assign for that purpose.

Instruction
in heavy
artillery
manage-
ment.

Command-
ants of
camps,
forts, etc.

§ 159. The Commander-in-Chief shall designate commissioned officers of proper rank, without regard to military districts, to command such camps, forts or other places, and shall assign such other officers, also without regard to military districts, to duty as field and staff officers and instructors, as may be required to fully officer such camps and forts.

Ordnance,
etc., for
military,
when en-
camped or
stationed.

§ 160. The Chief of Ordnance shall furnish, upon the orders of the Commander-in-Chief, such arms, ordnance and ammunition as may be necessary for the use of the military forces so encamped or stationed.

Camp
equipage
and trans-
portation,
how fur-
nished.

§ 161. The Quartermaster-General shall, upon the orders of the Commander-in-Chief, furnish such tents and other camp equipage, or other State property as may be required for the use of the military forces so encamped or stationed, and shall also furnish the

transportation necessary for conveying said forces to and from such camps or stations. All officers applying for the issue of camp equipage shall set forth in their application the number of tents and other camp equipage which they will require, the time when their respective regiments or companies go into camp, and the number of days which such encampment will continue; and the commanding officer of each camp shall, immediately after the breaking up of the encampment, cause the tents and other camp equipage to be returned to such of the State arsenals, or turned over to such officer as may be directed by the Adjutant-General; provided, however, that such tents and camp equipage shall be deposited in some one of the State arsenals on or before the first day of November in each year.

Applica-
tions there-
for, what
to state.

§ 162. The Commissary-General of Subsistence shall, upon the orders of the Commander-in-Chief, provide the subsistence necessary for said forces so encamped or stationed, such subsistence to conform in price, quality and quantity to the ration prescribed by the general regulations for the army of the United States, and to be issued in kind.

Subsist-
ence, how
furnished.

Price,
quality etc.

§ 163. The Comptroller is hereby authorized and empowered to draw his warrant upon the State treasury, on the certificate of the Adjutant-General, approved by the Commander-in-Chief, for such sum as shall be required by the engineer and quartermaster of said camps, forts or stations, in laying out and preparing the ground designated for such purpose, and in furnishing quarters for said forces, and for the services of the officers, instructors and privates ordered to attend the same, also for all necessary expenses of said forces, including transportation and subsistence, such expenses to be audited by a board to consist of the Commander-in-Chief, Comptroller, State Treasurer and Adjutant-General.

Comptrol-
ler to pay
expenses of
camps,
forts, etc.

How
audited.

ARTICLE XI.

OF COMPENSATION FOR MILITARY SERVICES.

Pay, clothing and rations, when in actual service.

§ 164. The military forces of this State, when in the actual service of the State in time of war, insurrection, invasion or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing, as are or may hereafter be established by law for the army of the United States.

Pay at encampments, forts, etc.

§ 165. There shall be paid to such officers, non-commissioned officers, musicians and privates, as shall be specially ordered to attend encampments, and sea and lake coast defense duty, in pursuance of the provisions of this act, not to exceed the following sum each, for every day actually on duty :

Privates, etc.

1. To all non-commissioned officers, musicians and privates, one dollar.

Line officers.

2. To all commissioned officers of the line, below the rank of captain, two dollars.

Ibid.

3. To all commanding officers of companies, three dollars.

Field officers.

4. To all field officers, below the rank of colonel, four dollars.

Ibid.

5. To all commanding officers of regiments, five dollars.

Staff officers.

6. To all regimental staff officers, two dollars and fifty cents, and to all non-commissioned staff officers, one dollar and fifty cents.

Brigadier-generals. Staff.

7. To all brigade-generals, six dollars.

8. To all brigade staff officers, four dollars.

Major-generals. Staff.

9. To all major-generals, eight dollars.

10. To all division staff officers, five dollars.

Compensation for horses used

11. All mounted officers and all members of any troop of cavalry or battery of artillery, mounted and equipped, shall be paid one dollar per day for each horse actually used by them.

Pay of brigade inspectors.

§ 166. There shall be allowed to brigade inspectors, as compensation for their services in making the annual inspections and musters, and for making

proper rolls and returns thereof, the sum of five dollars for each troop, battery and company so inspected and mustered; and the same, when certified to by the Inspector-General, shall be audited and paid in the same manner as other military accounts are audited and paid.

§ 167. The staff of the Commander-in-Chief.(except the Adjutant-General, who shall be paid an annual salary of three thousand dollars and his necessary expenses), and the assistants in the several departments, in lieu of all compensation and allowances heretofore provided by law in time of peace, when upon actual duty under the provisions of this act, either at drills, parades, encampments, lake and sea-coast defense duty, or otherwise, shall be paid such reasonable and just compensation, not exceeding the full pay and allowances of officers of the same rank in the army of the United States, as the Commander-in-Chief shall deem proper, and in no event to exceed the sum of twenty-five hundred dollars per annum, together with their necessary expenses and those of their departments, to be paid by the State upon the certificate of the Commander-in-Chief, showing a detailed statement of such services and expenses.

Salary of
adjutant-
general.

Of other
officers of
governor's
staff and
assistants.

Limitation
of pay.

How paid.

§ 168. In case of war, insurrection, rebellion or invasion, or imminent danger thereof, when the military forces or volunteers of the State of New York, or any part thereof, shall be in the actual service of the State, or in the service of the United States, the staff of the Commander-in-Chief, while on duty, the assistants in the several departments, and such other officers as may be detailed by the Commander-in-Chief for the performance of any duties connected with the recruiting, mustering, enrolling, equipping, arming, organizing, paying, inspecting, providing and administering justice for such forces and volunteers, shall, in lieu of all other allowances under this act, be paid such reasonable and just compensation, not exceeding the full pay and allowances of officers of the same rank in the

Pay, when
in actual
service in
war, inva-
sion, etc.

army of the United States, as the Commander-in-Chief shall deem proper, together with their necessary expenses and those of their departments, to be paid by the State upon the certificate of the Commander-in-Chief, showing a detailed statement of such services and expenses.

How paid.

Clerks in departments of staff.

§ 169.. Such and so many clerks shall be employed in the several departments of the general staff of the State as shall be actually necessary for the public service, in the opinion of the Commander-in-Chief, and they shall receive, for the time they may be actually necessarily employed, such compensation as the Commander-in-Chief shall prescribe.

Returns by commanding officers, of attendance at camps, in forts, etc.

§ 170. The commanding officer of every troop, battery or company which shall have been ordered into camp, or to perform sea and lake coast defense duty, in accordance with the provisions of this act, shall, at the close of the term for which such troop, battery or company shall have been ordered to such camp or duty, make out an alphabetical roster or list of the members of his troop, battery or company who shall have appeared and performed such duty, uniformed, armed and equipped, as the law and regulations direct, and shall set opposite to each name the number of days each shall have performed duty, and the amount of pay each is entitled to receive for such service, and deliver the same, certified on oath to be correct and true, to the commanding officer of the camp or post, who shall immediately cause the same to be transcribed in a book or books to be kept by him for that purpose; such troop, battery or company commandant shall also set forth, opposite to the name of each member of his troop, battery or company, whether such member is indebted to the State in any and what amount, and the nature of the indebtedness.

Statement of pay due, and indebtedness to State.

Roster by commanding officers of camps and posts.

§ 171. The commanding officer of the camp or post shall, also, at the close of the time for which each company, battery, troop, battalion or regiment shall have been ordered to attend for duty thereat, make

or cause to be made a complete roster or list of all commissioned officers and non-commissioned staff officers who shall have appeared and performed duty at such parade or encampment uniformed, armed and equipped, as the law and regulations direct, and shall set opposite to each name the number of days each shall have performed duty at such encampment or post, and the amount of pay each is entitled to receive for such service, and shall immediately cause the said list to be transcribed in a book or books to be kept by him for that purpose. And the said commanding officer of the camp or post shall immediately transmit to the Paymaster-General the said roster or lists, together with the rosters or lists required by the provisions of the last preceding section, certified to on honor.

Roster to be sent to paymaster-general.

§ 172. The Comptroller shall draw his warrant on the Treasurer in favor of the Paymaster-General for the amount which may be due to officers, non-commissioned officers, musicians and privates, for services rendered at the drills, parades and encampments for which payment is allowed by this act, on the certificate of the Adjutant-General, approved by the Commander-in-Chief.

Comptroller to make payment to paymaster-general.

§ 173. The Paymaster-General, or a paymaster under his directions, shall, whenever such payments are due, visit the different regimental districts of this State, and shall pay to the officers, non-commissioned officers, musicians and privates, such sums as they may be entitled to receive under the provisions of this act.

Paymaster to disburse to officers and privates.

§ 174. The Commander-in-Chief shall have power to prescribe further rules and regulations to provide for the more convenient payment of all sums which may become due to officers, non-commissioned officers, musicians and privates, under the provisions of this act; and the Paymaster-General, under the direction of the Commander-in-Chief, shall prepare the necessary forms and pay-rolls for such purpose, and cause the same to be transmitted to the proper officers.

Commander-in-chief may prescribe rules for payment.

Pay rolls.

Members
of courts-
martial,
how paid.

§ 175. There shall be allowed and paid out of the treasury, on the certificate of the president and the judge-advocate, to each division, brigade and special judge-advocate, and to the president and members of any court of inquiry or court-martial for the trial of officers, a sum equal to one day's pay for field duty, for each day he may be actually employed in said court, or engaged in the business thereof, or in traveling to and from the court, and his actual traveling expenses; and to every marshal appointed by any such court, two dollars for every day actually employed in the execution of the duties required of him; the same to be paid in like manner with other military accounts.

Pay of
marshals.

Military
accounts,
how
audited and
approved.

§ 176. The accounts of all persons who, under this act, are entitled to be paid out of the treasury, shall be audited by the auditor of military accounts, and approved by the Governor, and the Comptroller shall then draw his warrant on the Treasurer for such sums of money as may be requisite to pay the same; and the Comptroller may require the chief of each staff department to account quarterly for all money received by him for the purposes connected with his department.

Pay of mili-
tary forces,
in cases of
riot, etc.

§ 177. All officers, non-commissioned officers, musicians and privates of the National Guard, while on duty or assembled therefor, pursuant to the order of the sheriff of any county, or the mayor of any city, in cases of riot, tumult, breach of peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by the twenty-first section of the act entitled "An act to enforce the laws and preserve order," passed April the fifteenth, eighteen hundred and forty-five, and such compensation shall be audited, allowed and paid by the supervisors of the county where such service is rendered, and shall be a portion of the county charges of said county, to be levied and raised as other county charges are levied and raised.

How paid.

ARTICLE XII.

OF THE REGIMENTAL, BATTALION AND SEPARATE BATTERY FUND, AND THEIR BOARDS OF AUDITORS.

§ 178. The Comptroller shall annually draw his warrant upon the Treasurer in favor of the county treasurer of each county for the sum of one thousand dollars for each regiment, and the sum of five hundred dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of four hundred dollars for each separate troop of cavalry, and the sum of two hundred dollars for each separate company of infantry, certified by the Adjutant-General to be organized according to the provisions of this act, within the county ; or in case any regiment, battalion or separate troop, battery or company of infantry is organized in two or more counties, then the Comptroller shall draw his warrant in favor of such county treasurer as the Adjutant-General may in his certificate direct ; which sums, and also those paid in like manner by the State, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

Regimental, battalion, troop, battery and company fund, how payable.

Military fund of regiment, etc., how constituted

§ 179. There shall be an auditing board in each regiment or battalion, which shall consist of the commanding officer of the brigade, who shall be president thereof, and of the field officers of the regiment or battalion and the senior captain therein, any three of whom shall form a quorum for business, the commanding officer of the brigade being one ; and in the case of a separate troop or battery, the commanding officer of the division or brigade to which it is attached, and the commandant of the troop or battery shall constitute the auditing board.

Regimental auditing board.

Division and brigade commandants may convene auditing boards.

Their powers and duties.

Order of on county treasurer.

Vouchers to be approved by adjutant-general.

May direct printing to be done.

Proceedings of board.

County treasurers to report semi-annually as to regimental funds, etc.

Liability of county treasurers.

§ 180. The commandant of each division or brigade shall, from time to time, as he shall deem necessary, convene the auditing board, of which he is president, of each regiment, battalion or separate troop, battery or company ; and such auditing board, when so convened, shall audit all just and proper claims on the military fund of such regiment, battalion or separate troop, battery or company, including those for furnishing uniforms and equipments, and shall make their order on the proper county treasurer, which shall require him to pay such claims out of any moneys in his hands belonging to the military fund of such regiment, battalion or separate troop, battery or company ; but such order shall not be paid by the county treasurer until after the vouchers in support of such claims shall have been approved by the Adjutant-General.

§ 181. Such board may also direct such printing and publishing to be performed and executed as shall be necessary for the best interests of the regiment, battalion or separate troop or battery, and of the service. Such auditing board shall enter their proceedings, from time to time, in a book to be kept for that purpose by each regiment, battalion or separate troop or battery.

§ 182. Each county treasurer shall report, on the first day of April and December in every year, to the Adjutant-General, and also to the commandants of the divisions and brigades whose districts are in part or in whole in his county, the amount of all moneys received and paid out by him on account of each regimental, battalion or separate troop, battery or company fund, and the balance then remaining in his hands and the number or designation of the regiment, battalion or separate troop, battery or company, for which the same is held in trust, stating distinctly in such report the amounts received and paid out by him on account of uniforms and equipments for each such organization. And the bond now required by law to be given by county treasurers for

the faithful discharge of their duties shall be held to apply to any moneys that may come into their hands under the provisions of this act.

§ 183. The Commander-in-Chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery, or company funds. And on the approval of the Commander-in-Chief, accounts for clerk hire and other necessary expenses at headquarters of divisions and brigades, when audited by the Adjutant-General, shall be paid from the general fund of the State appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of five hundred dollars for a division, and three hundred dollars for a brigade, except in the first and second divisions, wherein the said limitation shall be one thousand dollars for a division, and five hundred dollars for a brigade; but this provision for the payment of said accounts for divisions and brigades shall not apply to a division in which there are less than four regiments or battalions, or separate troops, batteries, or companies of infantry of the National Guard, or to a brigade in which there are less than two such regiments or battalions, or separate troops, batteries, or companies of infantry.

Rules for disposition of military fund.

Accounts of division and brigade headquarters, how paid.

Limitation thereof.

Proviso.

ARTICLE XIII.

OF COURTS OF INQUIRY AND COURTS-MARTIAL.

Of Courts of Inquiry, and Courts-martial for the trial of Officers.

§ 184. Courts of inquiry may be instituted by the Commander-in-Chief, or by the commanding officer of a division or brigade, in relation to those officers for whose trial they are authorized to appoint courts-martial, for the purpose of investigating the conduct of any officer, either by his own solicitation or on a

Courts of inquiry.

Powers.

complaint or charge of improper conduct, degrading to the character of an officer, or for the purpose of settling rank; but no such court shall consist of more than one officer, who may with the approval of the officer ordering the court, require a judge-advocate to attend such court in taking testimony, and in investigating any complaint that may come before it.

Court, how constituted

Report and opinion.

§ 185. Such court of inquiry shall, without delay, report the evidence adduced, a statement of facts, and an opinion thereon, when required, to the officer instituting such court, who may in his discretion thereupon appoint a court-martial for the trial of the officer whose conduct shall have been inquired into.

Court-martial for major and brigadier-generals.

§ 186. Every court-martial for the trial of a major-general or a brigadier-general shall be ordered by the Commander-in-Chief, and shall consist of five officers, any three of whom shall constitute a quorum; provided, however, that in all cases a majority of the court shall be of not less rank than the accused.

How constituted.

For other commissioned officers.

§ 187. All other courts-martial for the trial of commissioned officers shall consist of three officers, and shall be ordered, if for the trial of officers above the rank of captain, by the commanding officer of the division, and for all other officers, by the commanding officer of the brigade; provided, however, that, in all cases, no member of the court shall be of less rank than the accused; and also provided, that, in cases where the brigade commander is the accuser, the court shall be ordered by the division commander, and where the division commander is the accuser, the court shall be ordered by the Commander-in-Chief. Also, further provided, that for the trial of officers, of any separate regiment, battalion, troop, battery or company, attached to a division or a brigade, the court shall be ordered by the commandant of the division or brigade respectively, to which such separate troop, battery or company is attached. And in all courts-martial and courts of inquiry, the accused shall have the right to appear and be heard by counsel.

How constituted and ordered.

Accused may appear and be heard by counsel.

§ 188. Any vacancy which may happen at any time and from any cause in a court of inquiry or court-martial may be supplied by the officer ordering the court.

Vacancies,
how filled.

§ 189. No officer arrested shall be brought to trial unless a copy of the charges and specifications, certified by the officer ordering the arrest, shall be delivered to him or left at his usual place of abode, within five days after his arrest; nor unless the officer ordering such court-martial shall have ordered the same within thirty days after receiving notice of the arrest, and a copy of the charges and specifications; nor until ten days after a copy of the order convening the court shall have been delivered to the officer arrested, or left at his usual place of abode; provided, however, that the appearance of the accused, without objection, and pleading to the charges, shall be deemed a waiver of any defect or irregularity in the service of any of the papers mentioned in this section.

Copy or
charges to
be served
on officers
arrested.

Trial, when
to be had.

Proviso.

§ 190. If the officer accused shall have any cause of challenge to any member of said court, he shall make the same at the time and in the manner provided by the laws governing the United States military service and the practice of courts-martial. The arraignment of the accused, the proceedings, trial and record shall in all respects, conform to the requirements of the United States law and practice of courts-martial, except as herein otherwise provided.

Accused
may chal-
lenge court.

Proceed-
ings on
trial.

§ 191. After the court shall be assembled, and after all challenges, if any are made, shall have been determined, the judge-advocate, whether commissioned or special, shall administer, in the presence of the accused, to each member the following oath: "You do swear (or affirm) that you will faithfully try and determine, according to evidence, the matter now before you, between the people of the State of New York and the prisoner to be tried, and that you will duly administer justice according to the established rules of law for the government of

Judge-
advocate to
administer
oath to
court.

Form
thereof.

the military forces of this State, so help you God" (or "thus do you affirm"); and then the president of the court shall administer to the judge-advocate the following oath: "You do swear (or affirm) that you will faithfully discharge the duties of judge-advocate of this court according to the established rules of law for the government of the military forces of this State, so help you God" (or "thus do you affirm"); provided, however, if the accused shall fail to appear at the time appointed for the organization of said court, the above oath may be administered in his absence.

Proceedings and sentence to be kept secret until approved.

§ 192. Every judge-advocate, whether commissioned or special, and every member of a court-martial, shall keep secret the proceedings and sentence of the court until the same shall be approved or disapproved according to law; and shall always keep secret the vote or opinion of any particular member of the court unless required to give evidence thereof by a court of justice, in due course of law.

Sentence, how far to extend.

§ 193. The sentence of any such court-martial shall be according to the nature and degree of the offense and according to military usage, but shall not extend further, in time of peace, than cashiering the officer convicted, and disqualifying him from holding any office in the militia of this State, and imposing a fine not exceeding one hundred dollars.

Officer ordering court, to approve or disapprove findings thereof.

§ 194. The proceedings and sentence of every court-martial for the trial of commissioned officers shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof, within fifteen days thereafter, and shall give notice of his approval or disapproval to the president of such court-martial and to the arresting officer, and he may, in his discretion, publish the sentence, as approved or disapproved, in orders; but no part of such sentence shall be executed until after the time allowed for appeal has expired, and he shall also transmit such proceedings and sentence, and his

May publish decision.

Proceedings, how filed.

approval or disapproval thereof, to the Adjutant-General, to be filed in his office.

§ 195. The right of appeal to the Commander-in-Chief, as it now exists by military usage, is reserved; but no appeal shall be received, unless made within twenty days after the decision appealed from is made known to the person appealing; and all appeals from the decision of a court-martial ordered by the commandant of a division or brigade for the trial of commissioned officers shall be made to the Commander-in-Chief.

Appeals to
command-
er-in-chief.

When and
how made.

Of Regimental and Battalion Courts-martial.

§ 196. For the trial of non-commissioned officers, musicians and privates, the commandant of each brigade may at any time appoint a regimental or battalion court-martial for any regiment, battalion, separate troop, battery or company in his brigade, to consist of an officer in his brigade whose rank is not below that of captain; and in the case of a separate regiment, battalion, troop, battery or company attached to a division, the court shall be appointed by the commandant of the division to which such separate regiment, battalion, troop, battery or company is attached.

Trial of
non-com-
missioned
officers and
privates.

Court, how
composed.

§ 197. The appointment of said court shall be published in orders at least two weeks previous to the convening of the court; and the officer appointing said court shall fix the day on which it shall convene, and when convened, the court may adjourn from time to time as shall become necessary for the transaction of business; but the whole session of the court, from the day on which it shall convene until its dissolution, shall not exceed three weeks, and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy or order a new court.

Appoint-
ment to be
published.

Adjourn-
ments.

Vacancies,
how filled.

§ 198. The officer constituting such court shall, before he enters on his duties as such, take the fol-

Oath of
court.

following oath: "I, _____, do swear (or affirm) that I will well and truly try and determine, according to evidence all matters between the People of the State of New York and any person or persons who shall come before the regimental (or battalion) court-martial to which I have been appointed;" and such oath shall be taken by him before a judge of some court of record in this State, a justice of the peace of the county in which he resides, a field officer, or the commandant of the division or brigade to which he belongs, and it shall be the duty of such persons to administer the oath without fee or reward.

Before
whom
taken.

Service of
summons
upon
accused
parties.

§ 199. Such court shall direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed, which service shall be personal, or by leaving such summons at the residence of such delinquents and parties accused.

Return of
service.

§ 200. Such non-commissioned officer, or other person or persons so designated, shall make the like return, and with like effect, as commissioned and non-commissioned officers are authorized and required to make, in cases of warning to a company or regimental parade, and shall be subject to the like penalties for neglect of duty.

Powers and
jurisdiction
of court.

§ 201. The court, when organized, shall have the trial of all offenses, delinquencies and deficiencies that occur in the regiment or battalion for which it shall have been appointed, and also of any that occur in the separate troops or batteries attached to the same brigade; and in the case of separate troops or batteries attached to a division, the commandant of the division shall specify which regimental or battalion court shall try the offenders or delinquents belonging to the separate troops or batteries attached to his division; and the said court shall have power to impose and direct to be levied all the fines or penalties to which non-commissioned officers, musicians

May impose
fines and
penalties.

or privates are declared to be subject by the provisions of this act.

§ 202. The proceedings and sentence of any such court shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove of the same within fifteen days thereafter, and shall give notice of his approval or disapproval to the president thereof; and from the sentence of any such court, imposing a fine or penalty for any offense, delinquency or deficiency, an appeal, if made within twenty days after the fine or penalty was made known to the person fined, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine.

Proceedings, when to be approved or disapproved.

Appeals to officer ordering court.

§ 203. There shall be allowed and paid out of the military fund of said regiment or battalion :

1. To the officer constituting said court, a sum equal to one day's pay for field duty for each day he may be actually employed in holding the court or engaged in the business thereof, or in traveling to and from the court, in accordance with the provisions of section one hundred and sixty-five of this act, and his actual traveling expenses.

Pay of court.

2. To the non-commissioned officer or other person who shall have summoned delinquents to appear before the court, two dollars for each day he may have been necessarily so employed, and the same sum for each day of his attendance on the court.

Of summoning officer.

3. Each officer to whom a warrant for the collection of fines may be directed shall be entitled to the same fees, and be subject to the same penalties for any neglect, as are allowed and provided for executions issued out of justices' courts.

Fees for collecting fines.

4. For all other services and commitments under this act, the sheriff, jailer and constables executing the same shall be entitled to the like fees as for similar services in civil cases.

Sheriffs' and constables' fees.

§ 204. All fines and penalties imposed by any regimental or battalion court-martial shall be paid, by

Fines to be paid to county treasurer.

To be part
of military
fund.

the officer collecting the same, to the treasury of the county within which the regiment or battalion is located, and within thirty days after the collection thereof, and shall belong to the military fund of the regiment, battalion or separate troop or battery of which the persons paying the fines and penalties are members.

Of the imposition of Penalties and Fines for Violating the provisions of this act.

Commis-
sioned offi-
cers may be
brought to
trial under
this act.

Courts-
martial
may sen-
tence on
conviction.

Defalca-
tions, how
punished.

Fines and
penalties.

Officers, for
non-attend-
ance at
parades.

Disobedi-
ence of
orders
thereat.

§ 205. In time of peace, every commissioned officer, for disobedience of orders, neglect or ignorance of duty, unofficerlike conduct or disrespect to a superior officer, or for neglecting to comply with any of the requirements of this act, shall be arrested and brought to trial before a court-martial, which may, on conviction, sentence him to be cashiered, incapacitated from holding any military commission, fined to an amount not exceeding one hundred dollars, or reprimanded, or may sentence him to all or either of such fines and penalties in their discretion.

§ 206. Every commissioned officer refusing to pay over moneys in his hands, as directed by the provisions of this act, shall be liable to be tried and cashiered or otherwise punished therefor, by a court-martial.

§ 207. Every commissioned officer, and every non-commissioned officer, musician and private, shall, on due conviction, be subject, for the following offenses, to the fines and penalties thereto annexed :

1. Every commissioned officer, for non-attendance, at any parade or encampment, and every such officer, non-commissioned officer, musician or private, neglecting or refusing to obey the orders of his superior officers on any day of parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, a fine not more than one hundred nor less than five dollars.

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day, and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade or encampment, not less than three nor more than six dollars for each day; and at a place of rendezvous when called into actual service, in case of war, insurrection or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one month's pay. And for disobedience of orders, or disrespectful or insubordinate conduct, a fine not exceeding fifty dollars, and also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs.

Non-commissioned officers and privates, for non-attendance, insubordination, etc.

3. Every commissioned officer or non-commissioned officer, for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required, to summon a delinquent before a court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

Disobedience of orders, or making false returns.

§ 208. Every commissioned officer, for neglecting or refusing to act as such, when duly elected and commissioned may be sentenced to pay a fine of not less than ten dollars; every non-commissioned officer, for neglecting or refusing to act as such, when duly appointed and warranted, may be sentenced to pay a fine of not less than five dollars; and every non-commissioned officer, for neglect of duty or disorderly or unofficerlike conduct, in addition to other penalties, may be reduced to the ranks by the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion, and in the case of a separate troop or battery, the approval of the commandant of the brigade or divi-

Fine for refusal to accept office or warrant.

Reduction of non-commissioned officers to the ranks.

sion to which such separate troop or battery is attached shall be required.

Fine for unlawful discharge of firearms.

§ 209. Every non-commissioned officer, musician or private who shall, unlawfully, discharge any firearms within two miles of any parade, on the day thereof, shall be sentenced to pay a fine of five dollars.

Fine for non-delivery of commissions.

§ 210. Every commissioned officer willfully neglecting to comply with the provisions of section ninety of this act shall be liable to pay a fine of not less than twenty-five dollars, to be imposed by the proper court-martial on the complaint of any officer interested.

Fine for wearing disguises, or disorderly conduct at parades.

§ 211. In addition to the fines and penalties imposed by any of the provisions of this act, every commissioned and non-commissioned officer, musician and private of a company, battery or troop, or any other person, who shall appear at any parade or encampment wearing any personal disguise or other unusual or ludicrous article of dress, or any arms, weapons or other implements not required by law, and calculated to excite ridicule, or to interrupt the orderly and peaceable discharge of duty by those under arms, shall be liable to a fine of not more than twenty-five and not less than five dollars, to be imposed by the proper court-martial.

Actions against members of courts-martial.

§ 212. No action shall be maintained against any member of a court-martial, or officer, or agent acting under its authority, on account of the imposition of a fine or penalty, or for the execution of a sentence on any person, if such person shall have been returned as a delinquent, and duly summoned before such court, or shall have appeared before such court to answer the charges made against him.

Proceeding in suits under act.

§ 213. When a suit or proceeding shall be commenced in any court by any person against any officer of this State, for any act done by such officer in his official capacity in the discharge of any duty under this act, or against any person acting under authority or order of any such officer, or by virtue

of any warrant issued by him pursuant to law, or against any collector or receiver of taxes, the defendant may require the plaintiff in such suit to file security for the payment of the costs that may be incurred by the defendant in such suit or proceeding, and the defendant in all cases may plead the general issue, and give the special matter in evidence, and in case the plaintiff shall be non-prossed or non-suited, or have a verdict or judgment rendered against him, the defendant shall recover treble costs.

Security for costs.

Pleadings.

Treble costs, when recoverable

Of the Collection of Fines and Penalties.

§ 214. For the purpose of collecting any fines or penalties imposed by any court-martial authorized by this act, the president of the court shall, within fifteen days after the fines or penalties have been imposed and approved, make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant, under his official signature, directed to any marshal of the court, or to the sheriff or constable of any city or county (as the case may be), thereby commanding him to levy such fines or penalties, together with the costs, on the goods and chattels of such delinquents, and, in default of sufficient goods and chattels to satisfy the same, then to take the body of such delinquent and convey him to the common jail of such city or county, whose jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the cost and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days; provided, however, that the prisoner may be liberated at any time by order of the commandant of the division, upon the application of the commandant of the brigade to which he belongs. No property shall be exempt from the payment of such fines or penalties.

Marshals, sheriffs or constables to collect fines.

Levy upon goods and chattels.

Warrant to authorize imprisonment, for default of payment.

Limitation of imprisonment.

No property exempt.

Warrants,
when to be
executed.

Fines for
refusal or
neglect to
execute
same.

Renewal of
warrants.

Regimental
and com-
pany fines
payable to
county
treasurer.

How
credited.

Certain
fines paya-
ble to State
treasurer.

Bonds of
sheriffs,
constables,
etc., under
act.

Liability of
sureties.

§ 215. Every such marshal, sheriff or constable, to whom any such list and warrant shall be directed and delivered, is hereby authorized and required to execute the same by levying and collecting the fines or penalties within forty days from the receipt of such warrant, and make return thereof to the officer who issued the same. Any refusal or willful neglect on the part of such marshal, sheriff or constable, to execute such warrant as herein required, shall subject the officer so offending to a fine of double the amount specified in said warrant and which said officer so refuses or neglects to collect, which said fine shall be prosecuted for by the president of such court against the officer so offending, and his surety, in any court in this State having jurisdiction in civil actions.

§ 216. Any warrant for the collection of fines issued by virtue of this act shall and may be renewed, in the same manner that executions issued from justices' courts may by law be renewed.

§ 217. The amount of any fines or penalties so collected from any officer, non-commissioned officer, musician or private of a regiment, battalion, troop, battery or company, shall be paid, by the officer collecting the same, into the county treasury, and shall form a portion of, and be credited to, the regimental, battalion or separate troop or battery fund of the regiment, battalion or separate troop or battery to which the person so fined belonged. And the amount of fines or penalties, so collected from any other commissioned officer, shall be paid by the officer collecting the same to the Treasurer of the State.

§ 218. In addition to the bond now required by law to be given by a sheriff, constable or other officer, for the faithful discharge of his duties, such named officers shall execute a bond for the payment of all moneys by them collected, under the provisions of this act; and the sureties of such officers, hereby authorized to collect fines and penalties, shall be liable for any official delinquency under this act;

such bonds to be approved by the county judge of the county in which such sheriff, constable or other officer resides.

General Provisions Applicable to all Courts-martial and Courts of Inquiry.

§ 219. The president of every court-martial, and of every court of inquiry, who shall be the member of the court senior in rank, both before and after he shall have been sworn, and also the judge-advocate, if required, shall issue subpoenas for all witnesses whose attendance at such court may, in his opinion, be necessary in behalf of the people of this State, and also on application, for all witnesses in behalf of any officer charged or accused, or persons returned as delinquent; and may direct the commandant of any company to cause such subpoena to be served on any witness or member of his company.

Subpoenas
by courts-
martial.

Service
thereof.

§ 220. The president of every court-martial or court of inquiry, and also the judge-advocate, shall have power to administer the usual oath to witnesses, and the president shall have the same power to preserve order, to compel attending witnesses to be sworn and testify, and to have the testimony of such witnesses as cannot be reasonably produced at the trial taken by commission, as courts of common-law jurisdiction; and all sheriffs, jailers and constables are hereby required to execute any precept issued by such president or court for that purpose.

Powers of
presidents
of courts-
martial.

Testimony
may be
taken by
commis-
sion.

Execution
of precepts
of court.

§ 221. Every witness not appearing in obedience to such subpoena, when duly served personally with a copy of the same, and not having a sufficient or reasonable excuse, shall forfeit to the people of this State a sum not less than ten nor more than fifty dollars; and the president of such court shall, from time to time, report to the district attorney the names of all such delinquent witnesses, together with the names and places of residence of the persons serving such subpoena, the better to enable him to prosecute for such forfeiture.

Penalty for
not answer-
ing to sub-
poenas.

Report to
district
attorney.

Issue of
attach-
ments for
witnesses.

§ 222. Whenever it shall appear to the satisfaction of any court-martial or court of inquiry, by proof made before such court, that any person, duly subpoenaed to appear as a witness before said court, shall have refused or neglected, without just cause, to attend as such witness, in conformity to such subpoena, and the party in whose behalf such witness shall have been subpoenaed shall make oath that the testimony of such witness is material, such court, or the president thereof, shall have power to issue an attachment to compel the attendance of such witness.

How
executed.

Fees of ser-
vice, how
paid.

§ 223. Every such attachment shall be executed in the same manner as a warrant, and by any officer authorized to execute warrants, and the fees of the officer serving the same shall be paid by the person against whom the same shall have been issued, unless he shall show reasonable cause, to the satisfaction of such court, for his omission to attend; such costs shall be ascertained by the court, who may thereupon issue an execution for the collection against the person liable to pay the same, and which may be collected as other executions are collected, and by any officer authorized to collect executions issued from courts of justice.

Commit-
ments to
county jail
for dis-
orderly con-
duct, etc.,
at courts-
martial.

§ 224. Any person or persons who shall be guilty of disorderly, contemptuous or insolent behavior in, or use any insulting or contemptuous or indecorous language or expressions to or before any court-martial or court of inquiry, or any member of either of such courts, in open court, intending to interrupt the proceedings, or to impair the respect or authority of such courts, may be committed to the jail of the county in which said courts shall sit, by warrant under the hand and seal of the president of such court.

Warrant
upon such
commit-
ments.

§ 225. Such warrant shall be directed to the sheriff or any or either of the constables and marshals of any such county, or any officer attending the court, and shall set forth the particular circumstances of the offense adjudged to have been committed; and shall command the officer to whom it is directed to

take the body of such person and commit him to the jail of the county, there to remain, without bail or mainprize, in close confinement for a time to be limited, not exceeding three days, and until the officer's fees for committing and the jailer's fees be paid.

§ 226. Such sheriff shall receive the body of any person who shall be brought to him by virtue of such warrant, and keep him until the expiration of the time mentioned in the warrant, and until the officer's and jailer's fees shall be paid, or until the offender shall be discharged by due course of law, unless sooner discharged by any judge of a court of record, in the same manner and under the same rules as in cases of imprisonment under process for contempt from a court of common-law jurisdiction.

Duty of
sheriff.

§ 227. In the absence of the president of any court-martial, the senior officer present shall preside, with all the powers of the president; and all the members of such court shall, when on duty, be in full uniform; and the court may sit without regard to hours, and may adjourn from time to time as may be necessary for the transaction of business.

Presiding
officer of
courts-
martial.

Court to be
in full
uniform.

§ 228. The president of any court-martial or any court of inquiry may appoint, by warrant under his official signature, one or more marshals, who shall, before entering upon their duties of collecting fines and penalties, execute a bond, with sufficient sureties, to be approved by the president of the court appointing them, for the faithful performance of their duties; and the marshals so appointed shall, when required, not only perform the usual duties of such marshals, but shall also execute any process lawfully issued by such president or court, and perform all acts and duties by this act imposed on, and authorized to be performed by, any sheriff, marshal or constable.

Marshals of
court-
martial.

To execute
official
bonds.

Their
duties.

§ 229. Whenever the sentence of any court-martial shall be appealed from, which appeal shall always be made within twenty days after the decision appealed from is made known to the person appeal-

Statements
and evi-
dence to be
furnished,
in case of
appeals.

ing, such court, or the president thereof, shall forthwith furnish the officer, to whom such appeal is taken, with a statement of the case, and of the evidence touching the same.

Additional evidence, upon hearing of appeals.

§ 230. The officer hearing the appeal may receive such further evidence as the nature of the case may require, and for that purpose he shall have power to administer oaths to witnesses produced before him, and order testimony of such witnesses as cannot reasonably be produced at the hearing of such appeal, to be taken by commission as in civil actions.

Appeals, how to apply.

§ 231. The provisions of the last two preceding sections shall apply to appeals made from the order of any officer approving the sentence of a court-martial.

Renewal of warrants to collect fines

§ 232. If any officer, having a warrant for the collection of any fine or penalty, shall not be able to collect the fine or penalty within the time specified therein, then the officer issuing the warrant may, at any time thereafter, within two years from the time of imposing the fines, issue a new warrant against any delinquent, or renew the former warrant, from time to time, as may become necessary.

Actions against marshals, sheriffs, etc., for neglect or defalcation.

§ 233. It shall be the duty of the respective presidents of courts-martial to prosecute, in the name of the people of the State of New York, any marshal or constable, sheriff and their sureties, who shall incur any penalty for neglect in the execution or return of any warrant, or in paying over moneys collected by him.

President of courts-martial.

§ 234. Whenever any court-martial consists of one person, he shall be deemed the president thereof, within the meaning of this act.

Annual return of commissioned officers absent from parades, drills, etc.

§ 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops or batteries, shall, on or before the fifteenth day of January in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction dur-

ing the preceding year. Within ten days after the receipt of such returns, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial, in accordance with the provisions of section one hundred and eighty-seven of this act, for the trial of such officers for such delinquencies. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless, in the discretion of the officer ordering the court, it may be deemed proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his usual place of abode, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the Adjutant-General without delay.

Division and brigade courts-martial to try such delinquents.

Proceedings thereof to be transmitted to the adjutant-general.

§ 236. Any fine for offenses against the by-laws, rules and regulations of any troop, battery or company of the National Guard, not exceeding the sum of twenty-five dollars, a certified copy of the proceedings relating to the infliction of which has been returned to any division, brigade, regimental, or battalion court-martial, may be enforced by such court in the manner hereinbefore provided, due notice being given to the delinquent; and further provided that a certified copy of said by-laws, rules and regulations be filed with the president of such court-martial; and any such fines, when collected, shall be paid over to the treasurer of such troop, battery or company of which the offender or delinquent is a member.

Fines for offenses against by-laws, how enforced.

To whom payable.

§ 237. When any portion of the military forces of this State shall be ordered to assemble for purposes of military instruction, under the authority of the Commander-in-Chief, or whenever any part of the State forces shall be ordered to assemble, under his

Rules and articles of war of United States army, how applicable.

authority, in time of war, insurrection, invasion or public danger, the rules and articles of war, and general regulations for the government of the army of the United States so far as they are applicable, and with such modifications as the Commander-in-Chief may prescribe, shall be considered in force and regarded as a part of this act, during the continuance of such instruction, and to the close of such state of war, invasion, insurrection or public danger; but no punishment under such rules and articles which shall extend to the taking of life shall, in any case, be inflicted, except in time of actual war, invasion or insurrection, declared by proclamation of the Governor to exist, and then only after the approval by the Commander-in-Chief of the sentence inflicting such punishment.

Death penalty not to be inflicted without approval of commander-in-chief.

ARTICLE XIV.

OF INVASION, INSURRECTION, AND BREACHES OF THE PEACE.

Of Invasion and Insurrection.

§ 238. In case of insurrection or invasion, or imminent danger thereof, the Commander-in-Chief may, by proclamation or otherwise, order and direct the commandants of such company districts as he shall designate, to accept sufficient volunteers, should the same offer, to raise companies and maintain the same at the maximum number provided by this act, and if sufficient volunteers should not offer, then a sufficient number shall be drafted from the reserve militia of said districts, in the manner hereinafter provided, who shall thereupon be enrolled in said companies, and shall be liable to duty in case the military forces of the State should be called into service.

Commander-in-chief may accept volunteers in cases of insurrection, etc.

When draft may be ordered.

Commander-in-chief may order national guard, etc., into service.

§ 239. The Commander-in-Chief shall have power, in case of insurrection, invasion, or breaches of the peace, or imminent danger thereof, to order into the service of the State any of the companies, batteries, troops, battalions, regiments, brigades or divisions of the National Guard, or of other militia of the State

that he may deem proper, and under the command of such officers as he shall designate; and in such case the forces so called into service shall receive the same pay and rations as troops in the service of the United States.

Officers to command and compensation of the forces.

§ 240. In case of insurrection or invasion, or imminent danger thereof, within the limits of any division, brigade, regiment or battalion, it shall be the duty of the commandant of such division, brigade, regiment or battalion to order out, for the defense of the State, the National Guard or other militia, or any part thereof, under his command, and immediately report what he has done and the circumstances attending the same, to his immediate commanding officer, and to the Commander-in-Chief, through the Adjutant-General.

Commandants may order out commands in case of invasion, etc.

To report thereon to commander-in-chief.

§ 241. Every person, who, whilst in the actual service of this State, shall be wounded or disabled in opposing or suppressing any insurrection or invasion, shall be taken care of and provided for at the expense of the State.

Care of wounded and disabled by the State.

Of Riots, Tumults, Breaches of the Peace and Resistance to Process.

§ 242. In case of any breach of the peace, tumult, riot or resistance to process of this State, or imminent danger thereof, it shall be lawful for the sheriff of any county, or the mayor of any city, to call for aid upon the commandant of any division, brigade, regiment, battalion, troop, battery or company; and it shall be the duty of the commanding officer of the division, brigade, regiment, battalion, troop, battery or company, upon whom such call is made, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command, he shall immediately report what he has done and all the circumstances attending the same to the Commander-in-Chief through the Adjutant-General; and in such case it shall not be necessary for commandants of troops, batteries or companies to issue written orders

Sheriffs or mayors may call for military aid in case of riots, etc.

Duty of commanding officers.

Report to commander-in-chief.

Orders calling out national guard.

or notices for calling out their men, but verbal orders and notices shall be sufficient.

Arms and ammunition to be furnished.

§ 243. It shall be the duty of the commanding officer of any division, brigade, regiment, battalion, troop, battery or company, in all cases when so called into service, to provide the men of his command, so ordered out, with a sufficiency of proper ammunition and arms in complete order for actual service.

Commanding officers to be subject to sheriff.

Penalty for disobedience of, or interference with sheriff.

§ 244. Such commanding officer shall be subject, as provided by law, to the sheriff or public officer who shall so require his aid; and for refusing or neglecting to obey the order of such sheriff or public officer so requiring service, or for interfering or in any way hindering or preventing the men of his command from performing such duty, or in any manner, by neglect or delay, preventing the due execution of law, every such commanding officer, and every commissioned officer under his command, so offending, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, and imprisonment in the county jail for a period not exceeding six months.

District attorney to prosecute therefor.

§ 245. It shall be the duty of the district attorney of any county wherein the offense described in the last preceding section shall be committed to prosecute the same; and in addition thereto, such commanding or other commissioned officer shall be liable to be tried by court-martial and sentenced to be cashiered and incapacitated for holding any military commission in this State forever after.

Penalties for disobedience of orders by non-commissioned officers and privates.

§ 246. Any non-commissioned officer, musician or private who shall neglect or refuse to obey the orders of his commanding officer in the cases of insurrection or invasion, riot, tumult, breach of the peace, and resistance to process hereinbefore provided for, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail for a period not to exceed three months, to be prosecuted and recovered in the manner hereinbefore provided in the case of commissioned officers.

Imprisonment.

§ 247. All officers, non-commissioned officers, musicians and privates, in cases of riot, tumult, breach of the peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by an act entitled "An act to enforce the laws and preserve order," passed April fifteenth, eighteen hundred and forty-five, which continues in force and shall be published with this act; and every person who shall be wounded or disabled in such service shall be taken care of and provided for at the expense of the county where such service shall be rendered.

Compensation for service.

Care of wounded and disabled.

Of Drafts of the Militia.

§ 248. Whenever the President of the United States or the Commander-in-Chief shall order a draft from the militia for public service, such draft shall be made in the following manner:

Drafts, how made.

1. When the draft required to be made shall be for a number equal to one or more companies in each brigade of the National Guard, such draft shall be made by company, to be determined by lot, to be drawn by the commandant of brigade in the presence of the commanding officers of the regiments and battalions composing said brigade, from the military forces of the State in his brigade organized, uniformed, armed and equipped according to the provisions of this act.

By company, how determined

2. In case such draft shall require a number equal to one regiment or battalion, the same shall be determined by lot in the manner above prescribed.

By regiment or battalion.

3. In case such draft shall require a larger number than the whole number of men composing the National Guard force of said brigade, such additional draft shall be made of the requisite number to supply such deficiency from the roll of the reserve militia of each town or city, filed in the office of the county, city or town clerk, pursuant to the provisions of section three of this act.

Additional draft from reserve militia.

Distribu-
tion of arms
and mili-
tary stores.

§ 249. The Commander-in-Chief shall prescribe such rules, orders and regulations, relative to the distribution of arms, ammunition and military stores to the militia, when called into actual service, as he may deem proper.

Senior offi-
cer to
command
force.

§ 250. The command of any military force, called into service under the provisions of this article, shall devolve upon the senior officer of such force, unless otherwise specially ordered by the Commander-in-Chief.

ARTICLE XV.

GENERAL AND MISCELLANEOUS PROVISIONS.

Command-
er-in-chief
to prescribe
rules, regu-
lations,
forms, etc.

§ 251. The Commander-in-Chief is hereby authorized to establish and prescribe such rules, regulations, forms and precedents as he may deem proper for the use, government and instruction of the military forces of the State, and to carry into full effect the provisions of this act. Such rules, regulations, forms and precedents shall be published in orders, and from time to time distributed to the commissioned officers of the State, to whom shall also be furnished the books of tactics, and instructions prescribed by the government of the United States and adopted by this State, which books shall be held by them as the property of the State, and delivered to their successors in office.

To be pub-
lished and
distributed.

Books of
tactics.

Regula-
tions under
act of 1854
confirmed.

§ 252. The rules and regulations, prepared by a board of officers under section one of title nine of the militia law, passed April the seventeenth, eighteen hundred and fifty-four, with such changes and modifications as have been lawfully made, except in so far as they conflict with this act, are hereby ratified and confirmed; and the Commander-in-Chief is hereby authorized to make such changes and alterations in said rules and regulations, from time to time, as he may deem expedient; but such rules and regulations shall conform, as nearly as practicable, to those governing the United States army, and not conflict with the provisions of this act.

Alteration
thereof.

§ 253. Every non-commissioned officer, musician and private of the National Guard originally enlisting shall be held to duty therein for the term of five years, and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private shall continue to be held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application, except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also further provided that every non-commissioned officer, musician and private who enlisted prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted. Every commissioned officer, and every non-commissioned officer, musician and private of the National Guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician or private of the National Guard shall be discharged from service except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery

Term of
service in
national
guard.

Exemption
from jury
duty.

Discharges.

Surgeon's
certificate
of disability.

or company, of the surgeon of the division or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, grant discharges to enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong, and in the case of a separate regiment, battalion, troop, battery or company attached to a division, upon the recommendation of the commandant of such separate regiment, battalion, troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, regiments and battalions, and of separate troops, batteries or companies, shall make returns to the Adjutant-General, on the last day of March, June, September and December, in each year, of all discharges granted by them during the previous three months, giving the names and grades of the persons so discharged, and specifying the causes for which discharged.

Certificate
of account-
ing for
military
property.

Quarterly
returns of
discharges.

Certificate
of dis-
charge on
expiration
of service.

§ 254. Whenever any non-commissioned officer, musician or private of the National Guard shall have performed service therein for the term of five years from the date of his enlistment, or for the term for which he may have re-enlisted, properly uniformed, armed and equipped, according to the provisions of this act, he or the commandant of his troop, battery or company shall be entitled to apply for his discharge from the service; and, upon his so applying, and presenting the certificate of the commandant of his troop, battery or company that he has performed such service, and that he has turned over or satisfactorily accounted for all property issued to him, which certificate the said commandant shall give

him, if warranted by the facts, or upon the commandant of his troop, battery or company so applying and certifying to such facts, the commandant of the regiment or battalion to which he belongs, or in case of a separate regiment, battalion, troop, battery or company, the commandant of the brigade or division to which it is attached shall grant him a full discharge from the service at the expiration of three months from the date of the application; but if the application be made by the commandant of his troop, battery or company, the discharge may be granted immediately, for sufficient reason and in his discretion, by the officer authorized to grant the same.

§ 255. The commanding officer of every troop, battery or company shall, on the application of any commissioned or non-commissioned officer, musician or private of his command, deliver to him a certificate stating that such person is a member of his command, and whether he is uniformed, armed and equipped according to law, and how recently he may have performed duty in said troop, battery or company. Such certificate, when dated within six months, shall be deemed for all purposes presumptive evidence of the matter therein stated.

Certificates
of membership.

§ 256. The uniforms, arms and equipments required by law or regulations of every officer, non-commissioned officer, musician and private of the National Guard shall be exempt from all suits, distresses, executions or sales for debts, or for the payment of taxes; and every mounted officer, and every member of a troop of cavalry or battery of artillery, who shall own a suitable horse necessary for his use as such officer or member, shall hold the same with the like exemption.

Exemption
of uniforms,
arms, etc.,
from execution.

Of cavalry
horses, etc.

§ 257. No person belonging to the military forces shall be arrested on any civil process while going to, remaining at, or returning from, any place at which he may be required to attend for military duty.

Freedom
from arrests
on civil
process.

§ 258. Any person who shall purchase, retain or have in custody or possession, without right, any

Actions to
enforce
recovery of
military
property.

military property belonging to the State, and shall, after proper demand, refuse to deliver the same to any officer entitled to take possession thereof, shall be liable to an action for the recovery of the possession of such military property, and to a penalty of not less than ten nor more than one hundred dollars.

Penalty for improperly retaining military property.

§ 259. Any person belonging to the military forces who shall, contrary to the lawful order of the proper officer, retain in his possession or control any military property of the State, shall be liable to an action to recover the possession thereof, and to pay a fine of not less than ten nor more than one hundred dollars, and shall also be deemed guilty of a misdemeanor; and any commanding officer may take possession thereof, or of such military property mentioned in the preceding section, wherever the same may be found.

Action to recover same, how brought.

§ 260. Actions to recover the possession of military property, and the amount of any fine or penalty under the last two preceding sections, may be brought by any officer entitled to take possession of such property, in any court of competent jurisdiction, and such fine or penalty shall be paid to the treasurer of the county where the offender may reside, for the benefit of the military fund of the regiment, battalion or separate troop or battery located therein, and in which the case occurred. The possession of any military property, or the amount of a fine or penalty, may be recovered in the same action. Such proceedings in the civil courts shall not preclude the punishment of offenders, if they belong to the National Guard, by courts-martial.

Fine payable to county treasurer.

Free passage over toll bridges and ferries, and through toll gates.

§ 261. Any person belonging to the military forces of this State, going to or returning from any parade, encampment, drill or meeting, which he may be required by law to attend, shall, together with his conveyance and the military property of the State, be allowed to pass free through all toll-gates and over all toll-bridges and ferries.

§ 262. Each troop, battery and company may, by a vote of two-thirds of all its members, form by-laws, rules and regulations, not inconsistent with this act, for the government and improvement of its members in military science and discipline; and such by-laws, rules and regulations shall be binding, but they may be altered from time to time, as may be found necessary, by the same vote.

Company
by laws.

§ 263. For violations of the by-laws, rules and regulations provided in the last preceding section, the non-commissioned officer, musician or private offending may be expelled from the troop, battery or company to which he belongs, by the vote of a majority of all its members; and upon such action of the troop, battery or company being confirmed in orders by the commandant of the regiment or battalion, and, in case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached, the name of such person shall be stricken from the roll of such troop, battery or company, his certificate of membership shall be surrendered and canceled, and he shall cease to be a member of such troop, battery or company; and his time of service in said troop, battery or company shall not be allowed under the provisions of this act.

Expulsions
from com-
panies for
violating
by-laws,
rules and
regulations.

Cancellation
of cer-
tificates of
member-
ship.

Time
served not
to be
allowed.

§ 264. The Adjutant-General shall be the auditor of military accounts, and all accounts or claims payable from the treasury of the State for military purposes shall be regularly audited by the auditor of military accounts, and approved by the Governor, as Commander-in-Chief, before payment.

Adjutant-
general to
be auditor
of accounts.

Approval
by gover-
nor.

§ 265. The Governor may supply all vacancies in any of the militia offices of this State, that may happen during the recess of the senate, in any case to which an appointment shall have been made by the Governor with the consent of the senate, by granting commissions which shall expire at the end of twenty days from the commencement of the next meeting of the senate thereafter.

Governor
may supply
certain
vacancies,
during
recess of
senate.

Division
and brigade
staff officers
may be
detailed.

§ 266. The officers on the staffs of divisions and brigades, when not engaged in the special duties of their respective offices, may be detailed for such other staff duty as the commandants of their respective divisions or brigades shall direct.

Penalties
for neglect
of duty, by
civil or
military
officers.

§ 267. Any civil or military officer who shall neglect or refuse to perform any of the duties required of him by the provisions of this act, shall forfeit and pay the sum of not less than twenty-five nor more than one hundred dollars for each and every offense, to be recovered in the name of the people of the State of New York; and if any such civil or military officer shall willfully neglect or refuse to perform such duties as are required of him by this act, he shall be deemed guilty of a misdemeanor, punishable by fine and imprisonment, according to the aggravation of the offense. And if any such civil or military officer shall embezzle, misapply or retain in his possession, without authority, any of the public money appropriated for military purposes over which he may have control, he shall be deemed guilty of a felony. And it shall be the duty of the district attorney of any county within which such offender resides, upon the complaint of the commanding officer of a brigade, regiment, battalion or separate troop or battery located in such county, to prosecute such offender in any court of competent civil jurisdiction. Any penalty incurred and paid or collected under this section shall be paid into the treasury of the said county, and belong to the military fund of the regiment, battalion or separate troop or battery to which the offender belongs, or in which the case may have arisen.

How
enforced.

Embezzle-
ment of
moneys
deemed a
felony.

District
attorney to
prosecute.

Penalties
payable to
county
treasurer.

Repeal.

§ 268. Chapter four hundred and seventy-seven of the Laws of eighteen hundred and sixty-two, entitled "An act to provide for the enrollment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defense," and all the acts amendatory of the same, and all other acts or parts of acts conflicting with

the provisions of this act are hereby repealed; but such repeal shall not affect any legal proceedings commenced under such conflicting acts.

§ 269. This act shall be entitled the Military Code, and shall take effect immediately.

Act entitled
the Military
Code.

Chap. 69.

AN ACT to enforce the laws and preserve order.

Passed April 15, 1845.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Commander-in-Chief may, on the application of any sheriff, deputy sheriff or district attorney, or either of them, or of the mayor or recorder of any city, or of the commander of any uniform company, loan to such officer, or to any military company or to any number of citizens or to any city, village or town, any number of stands of arms and military equipage, from any of the arsenals or military stores of this State, which he shall deem proper, and for such time and on such terms and conditions and security as he shall deem proper.

Arms, etc.,
may be
loaned in
certain
cases.

§ 2. On the application of the sheriff, under sheriff or district attorney of any county of this State, with the assent of a majority of the judges of the county courts of such county, the Governor may, if in his opinion it shall be necessary and proper, authorize such sheriff, under sheriff, district attorney, or some deputy sheriff, to contract with and organize a guard for the protection of any jail or prison in said county, or to arrest, detain, or have in safe keeping, any prisoner or prisoners, or to enforce any process, judgment or decree of any court; which application and authority shall be in writing, and a copy thereof filed and recorded in the office of the Secretary of State.

Guard to
protect jail
may be or-
ganized.

guard as may be necessary until a guard can with reasonable diligence be formed and organized under the second section of this act; the expenses of which said temporary guard shall be audited, allowed and paid by the board of supervisors of said county, as other county charges.

Expenses,
how paid.

§ 16. The expenses of the sheriff or other county officer, incurred in pursuance of any of the provisions of this act, shall be audited, allowed and paid by the board of supervisors of the county, and shall be a portion of the county charges of such county, to be levied and raised as other county charges are by law levied and paid.

Penalty for
resisting
execution
of process.

§ 17. Every person who shall resist or enter into a combination with any person or persons to resist the execution of process shall be guilty of a misdemeanor, and be punished by imprisonment in the county jail for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Revised
Statutes
amended.

§ 18. Section eighty in article seven of title six of chapter seven of the third part of the Revised Statutes is hereby amended so that the said section shall read:

Power of
sheriff to
call out in-
habitants.

“Whenever a sheriff or other public officer authorized to execute any process delivered to him shall find or have reason to apprehend that resistance will be made to the execution of such process, he shall be authorized to command every male inhabitant of his county, or as many as he shall think proper, and with such arms as he shall direct, and any military company or companies in said county, armed and equipped, to assist him in overcoming such resistance, and, if necessary, in seizing, arresting and confining the resisters, their aiders and abettors, to be dealt with according to law.”

County
when to be
declared in
a state of
insurrec-
tion.

§ 19. Whenever the Governor shall be satisfied that the execution of civil or criminal process has been forcibly resisted in any county or counties of this State, by bodies of men, or that combinations to resist the execution of such process by force exist in any

such county or counties, and that the power of such county or counties has been exerted and is not sufficient to enable the officer having such process to execute the same, he may, on the application of such officer, or of the district attorney of such county, or of one of the judges of the county courts thereof, by proclamation to be published in the State paper, and in such other papers as he shall direct, declare such county or counties to be in a state of insurrection; and may order into the service of the State such number and description of volunteer or uniform companies or other militia of this State as he shall deem necessary, to serve for such term as he shall direct, and under the command of such officer or officers as he shall think proper; and the Governor may, when he shall think proper, revoke or declare that such proclamation shall cease at such time and in such manner as he shall direct.

Volunteer
companies
may be or-
dered into
service.

§ 20. Any person or persons who shall, after the publication of such proclamation by the Governor, as provided in section nineteen of this act, resist or assist in resisting the execution of any process in any such county so declared to be in a state of insurrection, or who shall aid or attempt the rescue or escape of any prisoner from lawful custody or confinement, or who shall resist, or aid or assist in resisting any force ordered out by the Governor to quell or suppress any such insurrection, shall, upon conviction, be adjudged guilty of a felony, and punished by imprisonment in the State prison for a term not less than two years.

Penalty for
resisting
execution
of process.

§ 21. Whenever any portion of the militia shall be ordered into service by the Governor, in pursuance of section nineteen of this act, they shall be paid therefor at the following rates, to wit: To each private the sum of one dollar per day; to each non-commissioned officer and musician the sum of one dollar and twenty-five cents per day; and to all commissioned officers of the line, and to the field and staff officers, the same compensation as is paid to officers

Militia
called into
service,
how paid.

of the army in the service of the United States, together with all necessary rations and forage, and for the horses of any mounted men one dollar per day.

Expenses
under sec-
tions 19 and
21, how paid

§ 22. The expenses under the sections nineteen and twenty-one, and also of the commissariat and other military departments, shall be audited and allowed by the comptroller, and on his warrant paid by the treasurer out of any money in the treasury not otherwise provided.

§ 23. This act shall take effect immediately.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK,
ADJUTANT-GENERAL'S OFFICE,

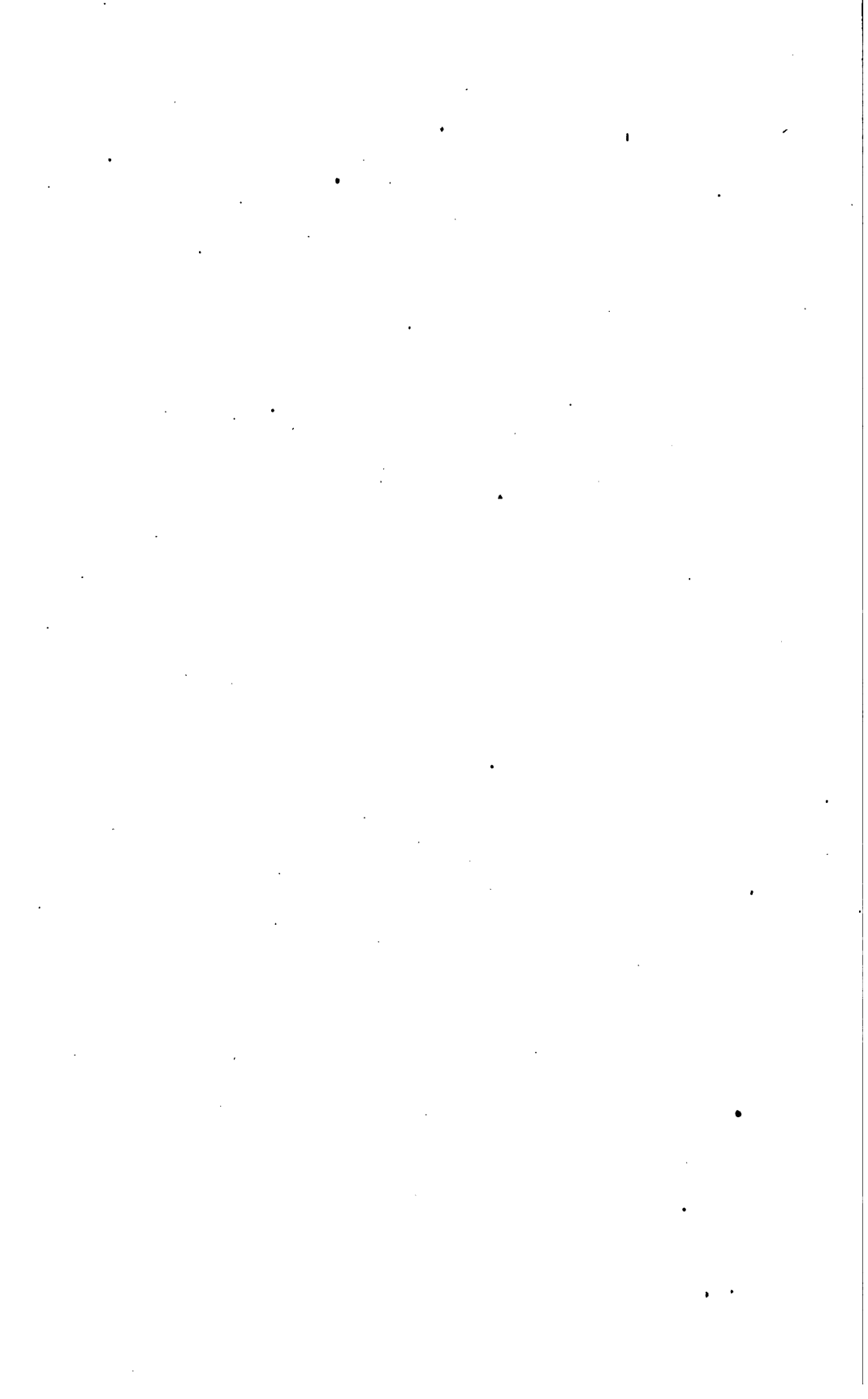
Albany, May 23d, 1876.

GENERAL ORDERS }
No. 10. }

In accordance with the provisions of the Military Code of the State of New York, the following Forms are hereby established for the use of the militia of this State.

By order of the Commander-in-Chief.

FRANKLIN TOWNSEND,
Adjutant-General.



FORMS.

(No. 1.)

ENROLLMENT.

See § 3.

Of persons liable to military duty in district of
Company, ... Regiment, N. G., S. N. Y.

Four copies of such enrollment shall be prepared by the officer making it, and after the same have been corrected, as hereinafter provided (see § 3), one shall be retained by him, one shall be filed in the office of the town or city clerk in which such company district is situated, one shall be filed in the office of the clerk of the county wherein such district is situated, and one shall be filed in the Adjutant General's office.

NAME.	RESIDENCE.	AGE.	REMARKS.

(No. 2.)

CERTIFICATE OF CLERK OF FILING OF ENROLLMENT.

See § 3.

OFFICE OF CLERK,
OF,
....., 18..

I hereby certify that a copy of the enrollment containing the names of persons liable to military duty in the district of Co., ... Regiment, N. G., S. N. Y., in the county of, was duly filed in this office on the day of, 18..

.....,
..... Clerk.

(No. 3.)

CERTIFICATE OF ADJUTANT-GENERAL OF FILING OF
ENROLLMENT.

See § 3.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
ADJUTANT-GENERAL'S OFFICE, }
ALBANY, ... , 18.. }

I hereby certify, that a copy of the enrollment containing the names of persons liable to military duty in the district of Co., ... Regiment, N. G., S. N. Y., in the county of, was duly filed in this office on the day of, 18..

.....,
Adjutant-General.

(No. 4.)

NOTICE OF ENROLLMENT.

See § 3.

To,

SIR.—You are hereby notified that, pursuant to the provisions of the Military Code, you are enrolled as liable to military duty in the district of “.....” Company, ... Regiment, N. G., S. N. Y., county of, and that if you claim that you are for any reason exempt from military duty, you must, on or before the fifteenth day of August next, file a written statement of such exemption, verified by affidavit, in the office of the * clerk of the of ; in default of which you will lose the benefit thereof.

.....,
Enrolling Officer.

Dated at this day of, 18..

* Insert *county* if the county clerk's office is situated in the town or city; if not, insert *town*.

(No. 5.)

ACCOUNT OF ENROLLING OFFICER.

See § 3.

....., N. Y., ... 18..

STATE OF NEW YORK :

To..... DR.

To days services in
making enrollment of district of "....."
Company, ... Regiment, county
of, at \$1.50 \$.....

Received payment,

.....,
Enrolling Officer.

I certify that the above account is correct.

.....,
Commanding Regimental District,

N. B.—Ten days *only* can be allowed by law to any enrolling officer or assistant, and \$1.50 per day for services; attach the certificate of appointment, county clerk's certificate with seal, and town or city clerk's certificate. If for an assistant enrolling officer, signs as such.

(No. 6.)

CLAIM FOR EXEMPTION FROM ENROLLMENT.

See § 3.

This certificate will be filed in the office of town or county clerk, as may be specified in the notice of enrollment.

....., 18..

The undersigned respectfully represents that he resides at
....., in the county of, State of
New York, and that he has been enrolled as liable to military
duty in the district of Company, ... Regi-
ment infantry, N. G., S. N. Y., and from such service he
claims exemption, for the following reasons, viz. :
.....
.....
.....

STATE OF NEW YORK, }
COUNTY OF } ss:

....., being duly sworn, says he is the same person named in the foregoing statement of exemption, and that the matters therein stated, upon which his claim for exemption from military duty is founded, are true.

Sworn to before me, this }
day of, 18.. }

.....

(No. 7.)

ROLL.

See § 3.

This roll must be filed in the town or county clerk's office on or before the first day of August.

..... N. G., S. N. Y.,
....., 18..

I hereby certify that the following is a correct roll of officers, non-commissioned officers, musicians and privates belonging to, and doing duty in this command :

NAMES.	GRADE.	RESIDENCES.

.....,
Commanding.

(No. 8.)

ROLL OF FIRE COMPANY.

See § 3.

This roll must be filed in the town or county clerk's office on or before the first day of August.

....., 18..

I hereby certify that the following is a correct roll of the persons belonging to, and regularly doing duty in the, fire company known as, in the of, in the county of..... and State of New York :

NAMES.	RESIDENCES.

.....,

Foreman.

(No. 9.)

APPLICATION FOR COMPANY ORGANIZATION.

..... REGIMENTAL DISTRICT, }
COUNTY OF, ..., 18.. }

*To His Excellency, ..., Commander-in-Chief
of the Military forces of the State of New York :*

The petition of the undersigned persons, residing within the regimental district of the National Guard of the State of New York, respectfully represent that, in pursuance of the provisions of the Military Code of this State, they have associated together for the purpose of forming a company of, to be attached to the

Regiment, N. G., S. N. Y., and have designated the following persons for their company officers, viz. :

....., for Captain.
 , for First Lieutenant.
 , for Second Lieutenant.

And your petitioners further represent that they are all citizens of the United States ; that they do not belong to any other military organization ; and that they will equip themselves in the prescribed uniform ; and they respectfully solicit your Excellency to organize them into a company of as aforesaid, and to issue commissions to the above named persons for the offices to which they are respectively designated. And your petitioners will ever pray.

NAMES.	YEARS OF AGE.	PLACE OF NATIVITY.	RESIDENCE.		
			CITY OR VILL'GE	POST-OFFICE.	COUNTY.

HEAD-QUARTERS REGIMENT, }
 N. G. S. N. Y., ... , 18.. }

I hereby respectfully recommend the organization of the within named persons into a company of to be attached to this Regiment, and to be designated as Company.

.....,
Colonel.

HEAD-QUARTERS BRIGADE, }
 DIVISION, N. G. S. N. Y., ... , 18.. }

I hereby certify that I have caused the within named persons to be assembled and inspected, and that they are duly qualified to be organized into a company of to be attached to the Regiment of this

Brigade. I, therefore, respectfully recommend that they be so organized.

.....,
Brigadier-General.

HEAD-QUARTERS DIVISION, {
 N. G. S. N. Y., ...18.. }

Respectfully forwarded.

.....
Major-General.

(No. 10.)

APPLICATION TO ENLIST.

See § 13.

To the Members of

I am desirous of becoming a member of your corps:

My age is; my residence is; my occupation is If admitted to membership I will faithfully discharge all the duties required by the laws governing the military forces of the State of New York, and the by-laws, rules and regulations of your corps, and I will obey the commands of my superior officers, and use my best endeavors to become a good and efficient soldier.

.....,
 Dated at this day of, 18..

(No. 11.)

COMPANY ORDERS ADMITTING TO MEMBERSHIP.

HEAD-QUARTERS, N. G. S. N. Y.

Company Orders No....

....., having been admitted a member of this company, and having signed the enlistment roll of the same, and executed the prescribed enlistment papers, he will report himself for duty at the next meeting of the company hereafter.

By command of Captain.....

..... *Sergeant.*

(No. 12.)

ENLISTMENT PAPER OF, IN N. G., S. N. Y.
 ENLISTED AT, BY DATED, 18...
 NATIONAL GUARD OF THE STATE OF NEW YORK.

I, ..., born in, in the
 State of, aged years, and
 by occupation a, do hereby, on this
 day of, 18..., volunteer and enlist to serve as a
 soldier in the National Guard of the State of New York, and
 in the company of Regiment thereof,
 for the term of five years, unless sooner discharged under the
 provisions of the Military Code and such amendments as may
 be made thereto. And I, ..., do solemnly swear
 that I will support the Constitution of the United States, and
 the Constitution of the State of New York, and that I will
 faithfully discharge the duties of a soldier in the National
 Guard of the State of New York, according to the laws
 governing the military forces of the State of New York, and
 the by-laws of the organization to which I may belong, and
 that all the statements herein contained are true.

Subscribed and sworn to before me, }
 at, this day }
 of, 18.. }

CONSENT IN CASE OF MINOR.

I, ..., hereby certify, that I am the
 of, and that the said is
 years of age; and I do hereby freely give my consent to his
 volunteering and enlisting as a soldier in the National Guard
 of the State of New York.

Given at, the day of, 18..

Witness, ...

NOTE 1. — The person enlisting should also sign the enlistment roll of the
 company in which he volunteered to enlist.

NOTE 2. — To be made out in triplicate. One copy to be forwarded to the
 Adjutant-General of the State, one to be filed with the records of the company,
 and the other to be filed with the records of the regiment. In the case of a
 separate troop, battery, or company of infantry, the triplicate copy should be
 filed with the records of the brigade or division to which it is attached.

DESCRIPTION OF RECRUIT.

I certify, that to the best of my knowledge and belief, the volunteer is of lawful age.

This soldier is feet inches high, has complexion, ... eyes, ... hair, and resides at

.....,
Enlisting Officer.

(No. 13.)

ENLISTMENT ROLL OF, ... BRIGADE,
..... DIVISION.

We, the undersigned, having enlisted in the National Guard of the State of New York, and having joined this
.....[...]..... Brigade, ... Division, do hereby agree to faithfully discharge all the duties required by the laws governing the military forces of this State, and the by-laws, rules and regulations of this corps.

NAMES.	AGE.	RESIDENCES.	DATES OF ENLISTMENT.

(No. 14.)

CERTIFICATE OF MEMBERSHIP.

..... Regiment, ... Brigade and Division,
National Guard of the State of New York.

To all to whom these presents shall come or may concern :

Know ye, that, having enlisted in the National Guard, and in the company under my command, on the day of, 18.., and being fully uniformed, armed and equipped, and performing duty therein, he is entitled to all the privileges, emoluments and immunities appertaining to his position as a member of the National Guard.

In witness whereof, I have hereunto set my hand, the day of, in the year of our Lord one thousand eight hundred and seventy-

Countersigned.

..... *Commanding* [....] *Company*.

..... *Commanding* [....] *Regiment*.

I hereby certify that the within named is fully uniformed, armed and equipped; has regularly and faithfully done duty to this date, and has complied with the by-laws of the company.

Dated the day of, 18..

.....,

Commanding.... *Company*.

See § 253.

..... N. G., S. N. Y., ... 18..

I hereby certify that, who is now a in of the National Guard of the State of New York, has regularly and faithfully performed the duties required of him by the Military Code of this State, for the period of five years, as appears of record upon the roster of this, and that he has duly turned over, or satisfactorily accounted for, all property issued and charged to him.

.....,

Commanding.... ..

To.....,

Commanding N. G., S. N. Y.

(No. 15.)

CERTIFICATE OF MEMBERSHIP AND PERFORMANCE OF DUTY.

See § 255.

..... N. G., S. N. Y., ... 18..

I hereby certify that is a member of of the National Guard of the State of New York, and holds the position of in said command; that he is duly uniformed, armed and equipped according to law, and that he last performed military duty in said command on the.... day of, 18..

..... *Commanding*.

(No. 16.)

REQUEST TO DROP FROM THE ROLL.

..... N. G. S. N. Y. }
 18.. }

I have the honor to request your approval of the dropping
 from the roll of this..... the names of the following
 members, for the reasons annexed, viz. :.....

.....

Very respectfully, your obedient servant,

.....
Commanding.

.....
Commanding..... N. G. S. N. Y.

HEAD-QUARTERS, ... N. G. S. N. Y., }
 , 18 . }

Respectfully returned to C. O.,....

.....
 By order of

(No. 17.)

REQUEST FOR TRANSFER.

See § 13.

..... N. G. S. N. Y., }
 18.. }

The undersigned respectfully states that he is now a mem-
 ber of this, in which he enlisted on the..... day

of....., 18 , and that he now desires a transfer to...
 and respectfully requests the
 necessary consent thereto.

To.....

..... N. G. S. N. Y., {
 18 . }

Respectfully forwarded.

.....,
Captain.

HEAD-QUARTERS, ... N. G. S. N. Y., {
 18 . }

Respectfully returned to C. O.,.....

.....,
Commanding

(No. 18.)

FURLOUGH.

HEAD-QUARTERS, ... N. G. S. N. Y., {
 18 . }

.....of, Captain,
 has leave of absence from the.....day of instant,
 at o'clock M., until the day of,
 at o'clock M., he having received a furlough for that
 time. At the last named date he will rejoin his company,
 and report to these head-quarters for duty.

.....
Commanding.

(No. 19.)

DISCHARGE BY DISBANDMENT.

See §§ 7, 19.

To all whom it may concern:

Know ye, that a
 of Company of the Regiment.....

National Guard of the State of New York, who was enrolled on the day of, one thousand eight hundred and, to serve for five years, is hereby discharged from service in the National Guard of the State of New York, this day of, one thousand eight hundred and, at, by reason of the disbandment of his under orders of the Commander-in-Chief.

This discharge does not exempt the said from military duty in the militia, nor entitle him to any other exemptions under provisions of the Military Code. If he shall hereafter enroll himself in any organization of the National Guard, the commanding officer of such organization is authorized and directed to enter upon the enlistment papers and muster-rolls the term of service as appears by this certificate, which term shall be credited and allowed in computing the entire and complete term of five years, in the same manner as if rendered continuously in one organization. And the said commanding officer is directed to take up this certificate and file it with the records of his command.

Given at, this day of,
18 ..

.....
.....
and Mustering Officer.

.....
Commanding

(No. 20.)

SURGEON'S CERTIFICATE AND APPLICATION FOR DISCHARGE.

See § 258.

HEAD-QUARTERS N. G. S. N. Y.

I hereby certify, that I have this day of,
18 .., carefully examined, a
of N. G. S. N. Y., and find that he is physi-
cally disqualified for the performance of the duties of a

soldier, by reason of

 and should, therefore, in my opinion, be discharged.

.....
Surgeon N. G. S. N. Y.

..... N. G. S. N. Y., }
 18 . }

.....

..... N. G. S. N. Y.

SIR.—I respectfully request that a discharge be granted to
 of this command, on account of
 physical disability, as set forth in the above certificate; and
 I hereby certify that he has turned over or satisfactorily
 accounted for all property issued and charged to him.

I have the honor to be, very respectfully,
 Your obedient servant,

.....
Commanding.

—
 (No. 21.)

DISCHARGE FOR PHYSICAL DISABILITY.

See § 253.

To all whom it may concern:

Know ye, that a of Captain
 N. G. S. N. Y.,
 who was enlisted on the day of, one thou-
 sand eight hundred and, to serve years,
 is hereby discharged from the National Guard of the State of
 New York, this day of, 18 , at
 for reason of physical disability.

Given at this day of 18 .

.....
Commanding.

(*Special Orders*, No. .., 18..)

.....
First Lieutenant and Adjutant.

(No. 22.)

DISCHARGE FOR EXPIRATION OF TERM OF SERVICE.

HEAD-QUARTERS, ... REGIMENT, N. G. S. N. Y., }
, 18 . }

..... *Orders*, }
 No. }

It appearing by the certificate of Captain
 commanding [...] Company that a
 in such company, has faithfully and honorably performed
 the duties required of him by the Military Code of the State,
 and is entitled to be discharged from further service in the
 militia; therefore, in pursuance of the Military Code and of
 the General Regulations, the said is
 hereby honorably discharged from further service in the mili-
 tary forces of the State, except in case of insurrection or
 invasion.

By command of Colonel

Adjutant.

STATE OF NEW YORK :

To all to whom these presents shall come, GREETING :

By virtue of the authority vested in me by the Military
 Code of the State of New York, as Colonel Commanding the
 Regiment in the Brigade and
 Division of the N. G. S. N. Y., I have this day granted, and
 by these presents do grant, unto, of
, in the county of, a in the
 Regiment, an honorable discharge from further service in the
 military forces of the State, except in the case of insurrection
 or invasion.

Given under my hand at, in the county of,
 and State of New York, this day of
 A. D. 18..

.....
Colonel Commanding Regiment.

(..... *Orders*, No. .., 18..)

....., *Adjutant.*

(No. 23.)

ORDER FOR ELECTION OF BRIGADIER-GENERAL.

See § 71.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
Adjutant-General's Office, Albany, ... 18 . . }

Special Orders, }
No. }

Pursuant to section 71 of the Military Code, an election is hereby ordered to be held to fill the office of Brigadier-General of the Brigade and Division of the National Guard of the State of New York, which has become vacant by the of, and is hereby designated to preside at such election.

By order of the Commander-in-Chief.

.....
Adjutant-General.

(No. 24.)

NOTICE FOR ELECTION OF BRIGADIER-GENERAL.

See §§ 71, 74, 75, 76.

To

You, and each of you, are hereby notified that in compliance with Special Orders No. . ., current series, from General Head-quarters, State of New York, an election will be held at, on the day of, 18.., at o'clock . . . M., for the purpose of choosing a suitable person to fill the office of Brigadier-General of the Brigade, and Division of the National Guard of the State of New York, which has become vacant by the of; and is hereby designated, ordered and directed to serve this notice on each and every of the above named field

officers and commandants of separate troops, batteries or companies, at least ten days previous to the said election; and to make due return of the time and manner of such service.

Dated at....., 18...

(No. 25.)

ORDER FOR ELECTION OF FIELD OFFICERS OF REGIMENTS
OR BATTALIONS.

See § 72.

HEAD-QUARTERS BRIGADE, ... DIVISION, {
N. G. S. N. Y., ..., 18... }
..... Orders, {
No. }

Pursuant to section 72 of the Military Code, an election is hereby ordered to be held at, on the day of, 18., at o'clock m., to fill the office of in the Regiment or Battalion (as the case may be), ... Brigade and Division of the National Guard of the State of New York, which has become vacant by the, of The commandant of the regiment or battalion (as the case may be) in which such vacancy exists, is hereby ordered and directed to have the proper notice for such election duly served, at least five days before such election shall take place.

By command of Commanding Brigade
N. G. S. N. Y.

.....
Assistant Adjutant-General.

(No. 26.)

NOTICE FOR ELECTION OF FIELD OFFICERS OF REGIMENTS
OR BATTALIONS.

See §§ 72, 74, 75, 76.

To

You, and each of you, are hereby notified that an election will be held at, on the day of, 18.., at o'clock M., for the purpose of choosing a suitable person to fill the office of in the Regiment or Battalion (as the case may be), ... Brigade, ... Division of the National Guard of the State of New York, which has become vacant by the of; and is hereby designated, ordered and directed to serve this notice on each and every of the above named officers, at least five days before such election shall take place, and to make due return of the time and manner of such service.

Dated at, this day of, 18 ..

(No. 27.)

ORDER FOR ELECTION OF TROOP, BATTERY OR COMPANY
OFFICERS.

See § 73.

HEAD-QUARTERS REGIMENT OR BATTALION }
(as the case may be), N. G. S. N. Y., }
....., 18 .. }

(..... Orders, No.)

Pursuant to section 73 of the Military Code, an election is hereby ordered to be held at, on

day of, 18.., at o'clock M.,
to fill the office of in the
Regiment or Battalion (as the case may be), ...
Brigade and Division of the National Guard
of the State of New York, which has become vacant by the
..... of The commandant
of the troop, battery or company (as the case may be) in
which such vacancy exists, is hereby ordered and directed to
have the proper notice for such election duly served, at least
three days before the said election shall take place.

By command of

.....,

Adjutant.

(No. 28.)

NOTICE FOR ELECTION OF TROOP, BATTERY OR COMPANY
OFFICERS.

See §§ 73, 74, 75, 76.

To

|

You, and each of you, are hereby notified that an election
will be held at, on the day of,
18 , at o'clock M., for the purpose of choosing a
suitable person to fill the office of in the
Regiment or Battalion (as the case may be), ... Brigade
and Division of the National Guard of the State of
New York, which has become vacant by the of
..... ; and is hereby designated, ordered
and directed to serve this notice on each and every of the
above named persons, at least three days before the said
election shall take place, and to make due return of the time
and manner of such service.

Dated at, this day of 18 .

(No. 29.)

RETURN OF SERVICE OF NOTICE OF ELECTION.

See §§ 74, 75, 76.

NAMES.	TIME OF SERVING NOTICE.	MANNER OF SERVING NOTICE.			
		R.	S.	L.	M.

I, the within named do hereby certify on honor that the several persons named in the within notice were duly notified by me, as within directed, at the times and in the manner set opposite their respective names in the above list, that is to say, those marked R., by reading the said notice to them; those marked S., by stating the substance thereof to them; those marked L., by leaving a notice thereof, signed by me, at their usual places of abode or business with some person of suitable age and discretion; and those marked M., by sending such notice by mail directed to them at the post-office nearest their places of residences.

.....

.....

I certify that the above named personally appeared before me, on the day of, A. D. 18.., and duly made oath to the truth of the above return.

.....

.....

NOTE.—When the service is performed by other than a commissioned officer, the return must be authenticated by the oath of the person making such service, and the last certificate must also be executed. See § 76.

(No. 30.)

NOTICE FOR ELECTION OF OFFICER TO BE LEFT AT USUAL
PLACE OF ABODE OR BUSINESS OF PERSON TO BE SERVED,
IN CASE OF HIS ABSENCE, OR TO BE SENT BY MAIL.

To

You are hereby notified that an election will be held at
....., on the day of, 18 , at
o'clock M., for the purpose of choosing a suitable person
to fill the office of in the Regiment or
Battalion (as the case may be), ... Brigade and
Division, of the National Guard of the State of New York,
which has become vacant by the of

Dated this day of, 18 ..

By command of

(No. 31.)

RETURN OF STAFF OFFICERS APPOINTED.

See §§ 65, 66 and 66.

HEAD-QUARTERS, N. G. S. N. Y., }
.....18 . }

*Return of Staff Officers appointed in the.....
of the National Guard of the State of New York, under
the command of.....*

Name.	Office.	Date of appointment.	Residence.	Post-office address.	In place of whom appointed, and the cause of vacancy.

I certify the above to be a true return.

.....
Commanding.

(No. 32.)

See § 30.

CERTIFICATE OF GRADUATION FOR SURGEON.

.....18 .

General :

Having been recommended for the office of
 Surgeon in the N. G. S. N. Y., I hereby
 certify that I graduated at, a regularly
 incorporated school of medicine, on the day of,
 18.... I am years of age. My post-office address is

*Brigadier-General.....**Surgeon-General of the State of New York.*

RECORD OF PROCEEDINGS OF ELECTION FOR OFFICERS.

Record of Proceedings of an Election held at.....on the.....day of
....., 18, at.....o'clock, ...M., for the Election of Officers to fill Vacancies
in the.....,.....Brigade, and
Division of the National Guard of the State of New York.

I certify the above to be just and true.

NOTE.—The blank space preceding the word "Brigade," in the heading, must be filled with the Regiment, Battalion, separate Troop or Battery, as the case may be.

(No. 34.)

NOTICE TO AN OFFICER ELECT, AND FORM OF ACCEPTANCE.

See §§ 79 and 80.

To , 18 .

SIR.—At an election held this day pursuant to the provisions of the Military Code of the State of New York, you were duly chosen to fill the office of in the Brigade, ... Division of the National Guard of this State. I hereby notify you of your election, and request that you will signify to me your acceptance thereof within ten days after the receipt of this notice, otherwise you will be considered as declining the same.

Very respectfully your obedient servant,

.....
and Presiding Officer.

..... , 18 .

SIR.—I hereby accept the office of to which I have been chosen, as stated in the above notice, and signify my willingness to serve therein.

To

(No. 35.)

APPEAL FROM THE PROCEEDINGS AT AN ELECTION.

See §§ 82, 83 and 84.

To , 18 .

Commanding , N. G. S. N. Y.

The undersigned respectfully represents that at an election held on at to fill the office of in the , N. G., S. N. Y., the presiding officer thereat declared to be elected to said office, from which decision the undersigned hereby appeals, and states the following as the ground of his appeal, viz. :

.....

And therefore the undersigned respectfully requests that the proceedings at such election be declared void.

.....

(No. 36.)

RETURN OF OFFICERS ELECTED.

See §§ 80 and 86.

*Return of Officers elected in the
 Brigade and
 Division of the National Guard of the State of New York,
 under the command of.....*

NAME.	Office.	Letter of Co.	Residence.	Post-office address.	In place of whom elected, and the cause of vacancy.

I certify the above to be a true return.

.....
Commanding Brigade.

NOTE.—This return must only include the names of the persons duly elected in a single regiment, battalion, separate troop or battery (as the case may be); and the commanding officer of the brigade will preserve the record of the proceedings of the election, for future reference, if needed.

(No. 37.)

COPY OF COMMISSION.

See §§ 87, 88, 89, 90, 210.

The People of the State of New York, by the grace of God
free and independent.

NATIONAL GUARD, S. N. Y.

To..... GREETING :

We, reposing especial trust and confidence as well in your
patriotism, conduct and loyalty as in your integrity and readi-
ness to do us good and faithful service, have appointed and
constituted, and by these presents do appoint and constitute
you the said.....

.....with rank from....., 18 .

You are therefore to observe and follow such orders and
directions as you shall from time to time receive from our
Commander-in-Chief of the military forces of our said State,
or any other your superior officer, according to the rules and
discipline of war ; and hold the said office in the manner spe-
cified in and by the Constitution and laws of our said State,
in pursuance of the trust reposed in you ; and for so doing,
this shall be your commission.

IN TESTIMONY WHEREOF, we have caused our seal for
military commissions to be hereunto affixed. Witness
....., Governor of our said State, Commander-
in-Chief of the military and naval forces of the same,
at our city of Albany, this.....day of.....,
one thousand eight hundred and.....

.....,
Adjutant-General.

(No. 38.)

OATH OF OFFICE.

See §§ 87, 88, 89.

STATE OF NEW YORK, }
.....County, } ss :

I.....do solemnly swear (or affirm, as
the case may be) that I will support the Constitution of the

United States, and the Constitution of the State of New York,
and that I will faithfully discharge the duties of the office of
.....in the.....of the National Guard of the
State of New York, according to the best of my ability.

Subscribed and sworn to before me, }
this....day of...., A. D. 18 . }

[To be transmitted for filing in the office of the Adjutant-General.]

(No. 39.)

REPORT OF SUPERNUMERARY OFFICER.

See § 24.

....., 18 .

GENERAL. — Pursuant to the Military Code of the State
of New York, I have the honor to report as follows, to wit :
That I held the office of.....in the.....
Brigade.....Division of the National Guard of this
State ; that on the.....day of

.....
.....
.....
in consequence of which I was rendered supernumerary, and
therefore, as such supernumerary officer, I do now make this
report, so that I may be entitled to all the rights and privi-
leges which the law confers.

Very respectfully, your obedient servant,

Major-General.....

Adjutant-General, S. N. Y.

(No. 40.)

SUPERNUMERARY OFFICER'S CERTIFICATE.

See § 24.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, *Albany*, 18 . }

I hereby certify that.....

 having been rendered supernumerary by.....

 has reported himself as a supernumerary officer to me, pursuant to section 24 of the Military Code.

IN WITNESS WHEREOF, I have hereunto set my hand and
 the seal of this Department, this day
 of..... one thousand eight hundred
 and.....

.....
Adjutant-General.

(No. 41.)

RESIGNATION.

See §§ 96, 97, 98.

General:

I have the honor to state that I now hold the office of
 in the Brigade, ...
 Division, of the National Guard of the State
 of New York, and that in consequence of

.....
 I respectfully tender my resignation of said office, and request
 a discharge therefrom.

I am not under arrest, nor returned to court-martial for any
 deficiency or delinquency; I have delivered over all moneys,
 books and other property of the State in my possession, to
 the officer authorized by law to receive the same; my accounts

for money or public property are correct, and I am not indebted to the State.

Very respectfully, your obedient servant,

Major-General,

Adjutant-General, S. N. Y.

§ 96. Resignations of commissioned officers shall be in writing, directed to the Adjutant-General, and transmitted immediately through and by all intermediate commanders, who will indorse the same with their approval or disapproval. No officer shall be considered out of the service on the tender of his resignation, nor until it shall have been accepted by the Commander-in-Chief.

(No. 42.)

CERTIFICATE OF NON-INDEBTEDNESS, TO ACCOMPANY RESIGNATION.

See § 97.

HEAD-QUARTERS, ... N. G. S. N. Y. }
, 18 . }

I hereby certify that

.....
 N. G. S. N. Y., has turned over and properly accounted for all military property belonging to the State of New York which has been issued and charged to him, and that he is not indebted to the State of New York for or on account of Ordnance and Ordnance Stores, Clothing, Camp and Garrison Equipage, or other military property.

.....,
Commanding.

INSTRUCTIONS.—A copy of this certificate will be folded within each blank form of resignation and will be signed by the commanding officer of the regiment, battalion, separate troop or battery, or other organization, to which the officer for whom the certificate is desired is attached, and forwarded to the Adjutant-General.

(No. 43.)

ACCEPTANCE OF RESIGNATION.

See §§ 96, 98.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, }
Albany, ... 18 . }

Special Orders, }
No. }

.....,
 of the National Guard of the
 State of New York, having tendered his resignation, the same
 is hereby accepted, and he is, at his own request, honorably
 discharged from said office.

By order of the Commander-in-Chief.

.....,
Adjutant-General.

(No. 44.)

NOTICE OF ACCEPTANCE OF RESIGNATION TO THE OFFICER
 WHOSE DUTY IT IS TO ORDER AN ELECTION OR TO MAKE
 AN APPOINTMENT TO FILL THE VACANCY.

See § 99.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, *Albany*, ... 18 . }

To.....

Commanding.....N. G. S. N. Y.

Pursuant to section ninety-nine of the Military Code, you
 are hereby notified that the resignation of
 has this day been accepted ; and, therefore, it becomes your
 duty to have the vacancy caused thereby filled.

By order of the Commander-in-Chief.

.....
Adjutant-General.

(No. 45.)

RETURN TO THE ADJUTANT-GENERAL OF OFFICERS ENTITLED
TO FULL DISCHARGE.

*Return to the Adjutant-General of Commissioned Officers
in the Brigade, National Guard, State of
New York, entitled to a full discharge from the Military
Forces of the State for reason of their having honorably
and faithfully served therein for five years.*

Name.	Office.	Organization.	Residence.

I hereby certify that the above return is correct and true.

.....
Commanding Brigade, N. G. S. N. Y.

Dated at 18 .

(No. 46.)

OFFICER'S FULL DISCHARGE.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, {
ADJUTANT-GENERAL'S OFFICE, Albany, ... 18 . }

Special Orders, {
No. }

It appearing by the return of General
commanding the N. G. S. N. Y.,
that of the has faithfully
and honorably performed the duties required of him by the
Military Code of the State ; and is, under such Code, entitled
to be discharged from further service in the militia ; there-
fore, in pursuance of the Military Code and of the General
Regulations, ... is hereby honorably discharged from

further service in the military forces, of the State, except in the case of insurrection or invasion.

By order of the Commander-in-Chief.

.....
Adjutant-General.

STATE OF NEW YORK.

To all to whom these presents shall come, GREETING :

By virtue of the powers vested in me by the Constitution and Military Code of the State of New York, as Commander-in-Chief of the military forces thereof, I have this day granted and by these presents do grant unto of in the county of on his resignation of the office of the N. G. S. N. Y., an honorable discharge from further service in the military forces of the State, except in the case of insurrection or invasion.

In testimony whereof I have set my hand, and caused to be affixed hereto the military seal of the State, at the city of Albany, the day of in the year of our Lord one thousand eight hundred and

.....
Commander-in-Chief.

Special Orders, No., 18 .

Passed the Adjutant-General's office.

.....
Adjutant-General.

(No. 47.)

RETURN OF NON-COMMISSIONED OFFICERS ELECTED.

See § 92.

..... N. G. S. N. Y }
....., 18 . }

I hereby certify that at an election held on the day of 18 , for non-commissioned officers in this command, the following named persons were duly elected :

Names of persons elected.	Residence.	In place of whom elected, and the cause of vacancy.
Sergeants. Corporals.		

.....,
Commanding.

To.....
Commanding.....N. G. S. N. Y.

(No. 48.)

**WARRANT OF NON-COMMISSIONED OFFICER OF TROOPS,
BATTERIES OR COMPANIES, ELECTED.**

See § 92.

STATE OF NEW YORK.

To.....GREETING:

It appearing that you were duly elected.....
of in the.....Brigade,
.....Division of the National Guard of the
State of New York, I do, by virtue of the power vested in
me, grant you this warrant. You are to obey the orders
which you shall from time to time receive from your superior
officers, and discharge with fidelity all the duties pertaining
to the office to which you have been elected, according to the
laws and regulations established for the government and dis-
cipline of the National Guard of this State.

Given under my hand, at.....this day
of....., A. D. 18 .

.....
Commanding.....N. G. S. N. Y.

.....
First Lieutenant and Adjutant.

(No. 49.)

See § 92.

WARRANT OF NON-COMMISSIONED OFFICER OF SEPARATE
TROOPS, BATTERIES OR COMPANIES, ELECTED.

STATE OF NEW YORK.

To..... GREETING :

It appearing that you were duly elected.....
of.....attached to the
of the National Guard of the State of New York, I do, by
virtue of the power vested in me, grant you this warrant.
You are to obey the orders which you shall, from time to time,
receive from your superior officers, and discharge with fidelity
all the duties pertaining to the office to which you have been
elected, according to the laws and regulations established for
the government and discipline of the National Guard of this
State.

Given under my hand at this {
..... day of, A. D. 18.. }

.....
General Commanding N. G. S. N. Y.

.....,
Colonel and Assistant Adjutant-General.

(No. 50.)

WARRANT OF NON-COMMISSIONED OFFICER APPOINTED.

See § 67.

STATE OF NEW YORK.

To..... GREETING :

Having appointed you of the
..... Brigade Division of the
National Guard of the State of New York, I do, by virtue of
the power vested in me, grant you this warrant. You are to
obey the orders which you shall, from time to time, receive
from your superior officers, and discharge with fidelity all the
duties of the office to which you have been appointed, accord-

ing to the laws and regulations established for the government and discipline of the National Guard of this State.

Given under my hand at, this }
 day of, A. D. 18.. }

.....,
Commanding..... N. G., S. N. Y.

First Lieutenant and Adjutant.

(No. 51.)

PARADE RETURN FOR UNIFORM AND EQUIPMENT FUND.

See § 113.

..... }
 N. G., S. N. Y., }
 December, 18.. }

I hereby certify, on honor, that the following named non-commissioned officers, musicians and privates of this command have, during the year ending on the 30th day of November, 18..., paraded at least seven different times, fully uniformed, armed and equipped, four of which have been on the occasion of regimental or battalion parades, in accordance with the provisions of the Military Code of the State of New York:

NAME OF PERSON.	GRADE.	OCCASIONS OF PARADE.											

.....,
Commanding.

NOTE.—The heading of each of the narrow columns, under "Occasions of Parade," are to be filled with the date and the kind (that is, whether regimental, battalion or company) of parade; and in those columns opposite each man's name, either the letter "P" or the letter "A" will be inserted, to denote his presence or absence, as the case may be.

(No. 52.)

PARADE RETURN FOR UNIFORM AND EQUIPMENT FUND.

See § 113.

HEAD-QUARTERS , }
N. G., S. N. Y., }
....., 18.. }

I hereby certify on honor that the returns hereto annexed, from the several commandants of companies in this command, showing that the following number of non-commissioned officers, musicians and privates have made seven different parades, as required by the provisions of the Military Code of the State of New York, to entitle this command to the benefit of the Uniform and Equipment Fund, provided for in said Code, viz. :

Non-commissioned staff.....	.....
Band .....	.....
In "A" Company.....	.....
In "B" ".....	.....
In "C" ".....	.....
In "D" ".....	.....
In "E" ".....	.....
In "F" ".....	.....
In "G" ".....	.....
In "H" ".....	.....
In "I" ".....	.....
In "K" ".....	.....

Total
.....

are correct and true, and therefore this command claims that it is entitled to the sum of \$..... of said fund.

Copies of the orders for the four regimental or battalion parades are hereto annexed.

.....,
Commanding.
To Major-General,
Adjutant-General S. N. Y.

(No. 53.)

REQUISITION FOR ORDNANCE AND ORDNANCE STORES.

See § 54.

HEAD-QUARTERS, ... ,
 N. G. S. N. Y., ... , 18 . }

*Requisition for Ordnance and Ordnance Stores for the use
 of ,
 N. G. S. N. Y.*

I certify that the above is correct ; that the men for whom
 this requisition is made have been duly enrolled and
 inspected, and that the articles specified are necessary for the
 public service, rendered so by the following circumstances :

.....

.....,
Commanding.

[In duplicate.]

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, }
 ALBANY, ... , 18 . }

Approved.

By order of the Commander-in-Chief,

.....,

Adjutant-General.

(*Special Order No.*)

(No. 54.)

SECURITY BOND FOR REGIMENTS, BATTALIONS, AND SEPARATE
TROOPS OR BATTERIES.

See § 117.

KNOW ALL MEN BY THESE PRESENTS, That I, ...,
as principal, and,
as sureties, do, by these presents, hereby acknowledge our-
selves bound unto the People of the State of New York, in
the penal sum of dollars, to the pay-
ment whereof we, jointly and severally, bind ourselves, our
executors, administrators and assigns, unto the said People
of the State of New York, if default shall be made in the
condition following.

Sealed with our seals and dated the day of
....., 18 .

The condition of this obligation is such, that whereas, by
the order of the Commander-in-Chief, ...
.....
.....
.....
been this day issued and delivered to the above bounden
..... for the use of his
command, pursuant to the Military Code of this State.

Now, therefore, if the said
.....
.....
shall safely keep the said property, and, upon the demand of
the proper authority, return the same, then this obligation to
be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of }

STATE OF NEW YORK, }
..... County. }

On this day of, A. D. 18 ,
came before me, personally known
to me to be one of the individuals who executed the within
bond, and acknowledged that he executed the same, and who,

being by me duly sworn, deposeth and saith that he is a freeholder, and is worth, over and above all debts due and owing from him, at least the sum of *

STATE OF NEW YORK, }
..... *County.* }

On this day of, A. D. 18 ,
came before me, personally known
to me to be one of the individuals who executed the within
bond, and acknowledged that he executed the same, and who,
being by me duly sworn, deposeth and saith that he is a freeholder, and is worth, over and above all debts due and owing from him, at least the sum of *

STATE OF NEW YORK, }
..... *County.* }

I, ..., clerk of the county of,
do hereby certify that, whose name is
subscribed to the above certificate, was, at the time of taking
such proof or acknowledgment, a
and duly authorized to take the same; and further, that I
believe the signature to the said certificate to be genuine.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of said county, this day
of, A. D. 18 .

.....,
Clerk.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
ADJUTANT-GENERAL'S OFFICE, }
ALBANY, ..., 18 . }

Approved.

By order of the Commander-in-Chief,

.....,
Adjutant-General.

* Each surety shall justify in twice the penalty of bond.

(No. 55.)

SECURITY BOND FOR TROOPS, BATTERIES AND COMPANIES.

See § 119.

KNOW ALL MEN BY THESE PRESENTS, That we, ...

 as principals; and we.

 as sureties, do hereby acknowledge ourselves bounden unto
 the People of the State of New York, in the penal sum of
dollars, to the payment whereof,
 we, the said principals and sureties, hereby jointly and
 severally firmly bind ourselves, our executors and adminis-
 trators, unto the said People of the State of New York.

Sealed with our seals, and dated the....day of.....18 .

The condition of this bond is such, that whereas the above
 bounden.
 the officers of.....Regiment
 (or Battalion, as the case may be) of the National Guard of
 the State of New York, as such officers, have made applica-
 tion to the commanding officer of their said regiment for the
 following arms and equipments, belonging to the said People,
 to wit

.....
 and the said commanding officer of the said regiment (or
 battalion, as the case may be) having this day delivered to
 the said officers of said.....the said arms and equip-
 ments, in pursuance of section 119 of the Military Code of
 this State.

Now, therefore, if the said... ..

 shall safely keep the said property, and, upon the demand
 of the proper authority, return the same, then this obligation
 to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
 in the presence of..... }

2
STATE OF NEW YORK, }
.....County. }

On this day of A. D. 18....
came before me personally known to
me to be one of the individuals who executed the within
bond, and acknowledged that he executed the same; and
who, being by me duly sworn, deposeth and saith that he is
a freeholder, and is worth, over and above all debts due and
owing from him, at least the sum of*.....

STATE OF NEW YORK, }
.....County. }

On this day of A. D. 18....
came before me personally known to
me to be one of the individuals who executed the within
bond, and acknowledged that he executed the same; and
who, being by me duly sworn, deposeth and saith that he is
a freeholder, and is worth, over and above all debts due and
owing from him, at least the sum of*.....

STATE OF NEW YORK, }
.....County. }

I, ... clerk of the county of
do hereby certify that whose name is
subscribed to the above certificate, was, at the time of taking
such proof or acknowledgment, a
and duly authorized to take the same; and further, that I
believe the signature to the said certificate to be genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand
[L. S.] and affixed the seal of said county, this.....
day of A. D. 18 .

.....
Clerk.

NOTE.—This bond must be approved by the sureties who became responsible
in the bond furnished to the Commander-in-Chief for such arms and equipments.

* Each surety shall justify in twice the penalty of the bond.

Approved
 sureties on the bond given by

.....,
Commanding.

Dated at, 18 .

(No. 56.)

REQUISITION FOR CAMP AND GARRISON EQUIPAGE AND QUAR-
 TERMMASTER'S STORES.

See § 161.

HEAD-QUARTERS..... N. G. S. N. Y.,
, 18...

Requisition for camp and garrison equipage and quarter-
 master's stores for the use of
, N. G. S. N. Y.

.....

 I certify that the above is correct ; that the camp and garri-
 son equipage and quartermaster's stores for which this requi-
 sition is made, are required for an encampment, which is to
 commence on the day of, 18..., and con-
 tinue for days, and that the articles specified are
 necessary for the public service.

.....,
Commanding.

[In duplicate.]

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, }
 ALBANY, ..., 18 . }

Approved.

By order of the Commander-in-Chief.

.....,
Adjutant-General.

Special Orders, No.

(No. 57.)

APPLICATION FOR COMPANY ARMORY.

See § 120.

HEAD-QUARTERS *
 N. G., S. N. Y.,
, 18.. }

I hereby certify that †....., of the National Guard of the State of New York, commanded by....., comprises forty-six non-commissioned officers, musicians and privates, and that said non-commissioned officers, musicians and privates regularly attend the drills and parades of the said †.....

....., *Commanding.*

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT GENERAL'S OFFICE,
Albany, ..., 18.. }

I hereby certify that †..... of the National Guard of this State, has reached the minimum number of non-commissioned officers, musicians and privates, established by the provisions of the Military Code of this State, and that it appears by the certificate of the commanding officer of the....., to which such is attached, that the said non-commissioned officers, musicians and privates regularly attend the drills and parades of said

In witness whereof I have hereunto set my hand and official seal, this day of, 18..

....., *Adjutant-General.*

..... }
 N. G., S. N. Y.,
, 18.. }

To the Honorable the Board of †..... County, N. Y.:

The undersigned, Commandant of †..... N. G., S. N. Y., respectfully represents that said †..... has

* Regiment or battalion.

† Troop, battery or company.

‡ Supervisors or aldermen.

reached the minimum number of non-commissioned officers, musicians and privates, established by the provisions of the Military Code of this State, as is attested by the certificate of the Adjutant-General hereto annexed; and in accordance with said provisions of the Military Code, I now demand, for the use of said *....., a suitable and convenient armory, drill-room and place of deposit for the safe keeping of its arms, uniforms, equipments, accoutrements and camp equipage.

.....,

*Commanding.**

Countersigned,

.....,

Commanding†.....

.....

NOTE.—This form should be prepared in duplicate.

(No. 58.)

APPLICATION FOR REGIMENTAL ARMORY.

See § 120.

STATE OF NEW YORK,
INSPECTOR-GENERAL'S OFFICE, }
.., 18.. }

This is to certify that we deem it expedient that a ‡..... Armory be provided, to be used by all the companies of the †..... of the National Guard of the State of New York as an armory, drill-room and place of deposit for the safe keeping of the arms, uniforms, equipments and accoutrements furnished under the provisions of the Military Code, such accommodation not being provided in a State Arsenal within the county of

.....

Inspector-General.

.....

*Commanding..... Division,
N. G., S. N. Y.*

* Troop, battery or company.

† Regiment or battalion, as the case may be.

‡ Regimental or battalion, as the case may be.

STATE OF NEW YORK,
 ADJUTANT-GENERAL'S OFFICE, }
 Albany, ..., 18.. }

I hereby certify that each and every company of the *..... National Guard of the State of New York comprises at least the minimum number of non-commissioned officers, musicians, and privates established and required by section 12 of the Military Code of the State of New York, said minimum number being forty-six, who regularly attend the drills and parades of such companies; and that arms, uniforms, equipments and accoutrements have been furnished to such companies, under the provisions of said Military Code.

.....,
Adjutant-General.

HEAD-QUARTERS....., }
 N. G., S. N. Y., }
, 18.. }

The undersigned, ..., colonel, commanding the *..... of the National Guard of the State of New York, respectfully demands that the †..... of the ‡..... of, provide a §..... armory, to be used by the several companies of the said, such accommodation not being provided in a State Arsenal in said county.

.....,
Commanding.

NOTE.—This form should be prepared in duplicate, and accompanied by duplicate copies of form No. 57, for each company.

* Regiment or battalion, as the case may be.

† Board of Supervisors or Board of Aldermen, as the case may be.

‡ County or city, as the case may be.

§ Regimental or battalion, as the case may be.

(No. 59.)

BILL OF ARMORER.

See § 125.

....., 18..
 The county of to, Dr.
 18..

For days' service as armorer
 of N. G., S. N. Y.,
 at \$.... per day..... \$

COUNTY OF, ss.:

....., being duly sworn, deposes
 and says that the items charged in the above account are cor-
 rect; that the services specified have in fact been performed,
 and by due authority; that the price charged is reasonable
 and just, and that said account has not been, either in whole
 or any part, paid, satisfied or assigned, and that the same is
 now justly due to him.

Sworn to before me }
, 18.. }

HEAD-QUARTERS N. G., S. N. Y., }
, 18.. }

I certify that is the duly appointed
 armorer of N. G., S. N. Y.; that the
 services above specified have been performed; that they were
 necessary for the use of said command, and that the price
 charged is just and reasonable.

.....,
Commanding.

See §§ 130, 150.

	NAMES. PRESENT AND ABSENT.	Rank or office.	Age when elected or appointed.	Date of rank.	When.	Where.	By whom.
Number of each rank.	(Write first Christian name in full.)						

(No. 60.)—Continued.—NON-COMMISSIONED STAFF AND BAND.

Number of each grade.	NAMES. PRESENT AND ABSENT. (Write first Christian name in full.)	Grade.	Age at date of enlistment.	ENLISTED.			Equipped.	Uninformed.
				When.	Where.	By whom.		

(No. 60.)—NON-COMMISSIONED STAFF AND BAND—Continued.

SERVICE PERFORMED SINCE LAST MUSTER.				AT THIS ANNUAL MUSTER. (To be filled by Inspector.)		REMARKS.	
DRILL AND DISCIPLINE.		ACTIVE.		Present.	Absent.		
Company drills.	Regimental drills.	Encampments.	Total.	Under orders of Commander-in-Chief.	Upon requisition of civil authorities.	In service of United States.	Total.

I CERTIFY that this muster roll is made out in the manner required by the Military Code ; that it exhibits the true state of the field, staff and band of the..... of.....for the period herein mentioned ; and that the "remarks" set opposite the name of each officer and soldier are accurate and just.

STATION.....

DATE.....

Dated 18 .

Commanding.

I CERTIFY that I have carefully examined this muster roll ; and that I have mustered and minutely inspected the field, staff and band, the condition of which is found to be as expressed in my remarks hereunto annexed.*

DISCIPLINE

INSTRUCTION

MILITARY APPEARANCE.....

ARMS

ACCOUTREMENTS.....

CLOTHING.....

Dated 18 .

Inspector and Mustering Officer.

NOTE.—Three of these rolls shall be made and officially certified to by the Inspector, who shall file one in the office of the Adjutant-General, one with the commandant of the regiment or battalion, and retain one himself.

* It is made the special duty of the Inspector and mustering officer to add the appropriate remarks touching "discipline," "instruction," etc., according to the facts exhibited in the course of his inspection, with such other remarks as may be necessary or useful for the information of the Commander-in-Chief.

(No. 61.)
MUSTER ROLL AND INSPECTION RETURN.
See §§ 130 and 149.

Muster Roll of *in the*
N. G. S. N. Y., commanded by *Inspected at*
on the *day of* 18 , *by* *Brigade Inspector.*

Number of each grade.	NAMES. PRESENT AND ABSENT. (Privates in alphabetical order, the first Christian name to be written at full length.)	Rank or grade.	Age at date of enlistment.	ENLISTED.			Equipped.	Uniformed.
				When.	Where.	By whom.		

MUSTER ROLL AND INSPECTION RETURN—(Continued).

SERVICES PERFORMED SINCE LAST MUSTER.		At the ANNUAL MUSTER.		To be filled by Inspecting Officer.		REMARKS BY THE COMMANDANT OF THE COMPANY.	REMARKS BY THE INSPECTING MUSTERING OFFICER.
DRILL AND DISCIPLINE.	ACTIVE.	Present.	Absent.				
Number of company drills or parades.	Total.					NOTE.—The Company Commandant will enter upon this roll the name of each person who was an active member at the date of the last muster (except such as have since been dropped or discharged, or have deserted or died), and the names of all who have since joined. All changes of rank, by promotion, appointment or reduction, with date of same, will be entered in the column of remarks. If such appointment or promotion is <i>in place of</i> another, state the fact, saying, vice..... (resigned, or other cause of vacancy, as the case may be). Officers or men detached for special duty will be borne on the rolls of their companies as of their actual grade, and opposite their names, in the column of remarks, will be entered "detached" (as right, general guide, or otherwise). When officers or men join the company by transfer, or are taken up having been dropped, the date and authority, if any, will be stated in the column of remarks. The roll of persons belonging to the company will be immediately followed by that of the officers and men who since last muster <i>have ceased to belong to it</i>. These will be classed in the following order, viz.: discharged, expelled, transferred, died, deserted. In the column of remarks will be stated the dates of such changes and the authority therefor (if any). If a member has served in any organization now disbanded, the date of enlistment given will be that into the present company, and in the column of remarks will be entered the term of previous service and name of organization. For any military property issued by the State lost, destroyed or injured by any officer or member, there will be entered opposite his name the designation and value of such property, and whether the same has been paid for or not; otherwise the commanding officer will be held responsible. All entries will be written out in full, and not by "do," etc.	
Number of regimental drills or parades.	Under orders of the Commander-in-Chief.						
Number of days' duty at encampments.	Upon requisition of the civil authorities.						
	In service of the United States.						
	Total.						

NOTE.—Before proceeding to muster (into service or otherwise) the company, the mustering officer will examine the roll and see that the same has been properly prepared and certified by the Captain. He will then proceed to inspect and muster the company, in accordance with the "General Regulations for Military Forces" of this State as far as the same are applicable to a company. Under the head of "Remarks" he will enter such notes as may be necessary to make up the "Recapitulation" at the end of the roll. He will also enter, opposite the names of members, such remarks in regard to disqualification as may appear proper, especially noting any injury, other than by ordinary service, to any arms, equipments or uniforms issued by the State.

REMARKS BY THE INSPECTING MUSTERING OFFICER.

MUSTER ROLL AND INSPECTION RETURN—(Continued).

[illegible]

MUSTER ROLL AND INSPECTION RETURN—(Continued).

[illegible]

MUSTER ROLL AND INSPECTION RETURN—(Continued).

RETURN OF CLOTHING, CAMP AND GARRISON EQUIPAGE.	PROPERTY ON HAND.						INSPECTED.			
	To include all in possession of the company. Blanks to be filled by the commandant.						Blanks to be filled by inspector.			
							Present muster.		Last muster.	
	Issued by the State.	Regiment's property.	Company property.	Individual property of members.	Total at present date.	Total at date of last muster.	Issued by the State.	All otherwise procured.	Issued by the State.	All otherwise procured.
Great coats.....										
Frock coats.....										
Jackets.....										
Trousers.....										
Hats.....										
Caps.....										
Cap covers.....										
Sashes.....										
Blankets.....										
Knapsacks.....										
Haversacks.....										
Canteens.....										
Drums.....										
Fifes.....										
Bugles.....										

THE FOLLOWING QUESTIONS TO BE ANSWERED, IN WRITING,
OPPOSITE EACH, BY THE COMMANDANT OF THIS COMPANY.

At what date were State uniforms last issued to the company?
 At what date were present equipments issued to the company?
 What kind of arm is the company now supplied with?
 At what date were present arms issued to the company?
 Has the company an armory?
 By whom is the armory rented?
 What annual rent is paid for same?
 How often are regular drills of the company made?
 What tactics are used in drilling the company?

ANNUAL RECORD OF THE COMPANY.

[The Captain will here record any special services rendered by the company, and other matters of interest connected with the history of the company during the last year.]

I certify that this muster roll exhibits the true state of Captain.....
of the.....
National Guard for the period since the last muster and inspection, on the.....day of....., 18 ,
that each member answered to his own proper name in person; that the remarks set opposite the name of each officer and soldier are accurate and just, and that the several returns attached to this roll have been correctly made, and represent the true condition of the property in the possession of the.....at this present date.

.....,
Commanding.

Dated....., 18 .

I certify that I have, at....., on the.....
day of....., 18 , carefully examined this roll, and have mustered and inspected the said....., and have made a true return of such muster and inspection of the members thereof, and also of the property in the possession of said company, the condition of which is found to be as expressed in my remarks hereto annexed : *

Discipline

Instruction

Military appearance

Arms

Accoutrements

Clothing

.....
Inspector and Mustering Officer.

NOTE.—Four of these rolls shall be made and officially certified to by the Inspector, who shall file one in the office of the Adjutant-General, one with the commandant of the regiment or battalion, or, in the case of a separate troop, battery or company, with the commandant of the brigade or division to which it is attached, one with the commandant of the troop, battery or company, and retain one himself.

* It is made the special duty of the Inspector and mustering officer to add the appropriate remarks touching "discipline," "instruction," etc., according to the facts exhibited in the course of his inspection, with such other remarks as may be necessary or useful for the information of the Commander-in-Chief.

(No. 62.)

SQUAD WARRANT AND RETURN.

See §§ 135, 136, 137.

HEAD-QUARTERS, ... }
 N. G. S. N. Y., ... }
 , 18 . }

..... Orders, No.

.....

 non-commissioned officers of will
 forthwith warn the several members of their respective squads
 to appear for parade, fully uniformed, armed and equipped
 according to law and regulation, on the day of
, 18 , at o'clock..... M., at
 ; and will make due return
 of the time and manner of such service.

.....,
Commanding.

To ,

Names of squad.	Place where served.	Date of service.	MANNER OF SERVICE.			
			R.	S.	L.	M.

I, the within named
 (non-commissioned officer, do hereby certify that the members
 of my squad, as named above, were duly warned by me, as
 above directed, and in the manner set opposite to their
 respective names, that is to say : those marked R., by read-
 ing the said order to them ; those marked S., by stating the
 substance thereof to them ; those marked L., by leaving a
 notice thereof, signed by me, at their usual places of abode or
 business, with some person of suitable age and discretion ;

and those marked M., by sending a copy of said order by mail, directed to them at the post-office nearest their places of residence.

I certify that the above named
personally appeared before me, on the day
of, A. D. 18 , and duly made oath to
the truth of the above return.

.....,
Commanding.

(No. 63.)

ORDER FOR PARADE.

See §§ 136, 137, 143.

HEAD-QUARTERS, ... }
....., N. G. S. N. Y., }
....., 18 . }

..... Orders, No.

To

You will forthwith warn the several officers and non-commissioned staff officers of this command to appear for parade, fully uniformed, armed and equipped, according to law and regulations, on the day of, 18 , at o'clock M., at, and will make due return of the time and manner of such service.

.....,
Commanding.

Name.	Rank.	Place of residence.	Date of service.	MANNER OF SERVING NOTICE.			
				R.	S.	L.	M.

I, the within named Sergeant
do hereby certify that the several officers and non-commissioned staff officers named above were duly warned by me, as above directed, and in the manner set opposite to their respective names, that is to say: those marked R., by reading the said order to them; those marked S., by stating the substance thereof to them; those marked L., by leaving a notice thereof, signed by me, at their usual places of abode or business, with some person of suitable age and discretion; and those marked M., by sending a copy of said order by mail, directed to them at the post-office nearest their place of residence.

.....,
Sergeant.

I certify that the above named
personally appeared before me, on the day
of, A. D. 18, and duly made
oath to the truth of the above return.

.....,
Commanding.

NOTE.—This blank will answer for warning for parade the officers and non-commissioned staff officers of a regiment or battalion, and also the commissioned officers of a troop, battery or company. When used in the latter case, the words “non-commissioned staff officers” must be erased.

(No. 64.)

INSPECTOR-GENERAL'S DEPARTMENT.

See § 166.

THE STATE OF NEW YORK,

Chapter, Laws of.....

“, “

Abstract....., Voucher.....

To.....DR.

Services.

DATE.			DOLLARS.	CENTS.

I certify that the above account is correct and just, that the services were rendered as stated, and that they were necessary for the public service.

.....,

Inspector-General S. N. Y.

Received of Treasurer of
the State of New York, ... dollars and
..... cents, in full of the above account.

[Signed duplicates.]

(No. 65.)

ABSTRACT OF COURT-MARTIAL ACCOUNTS.

See §§ 165, 175.

For services at a Court-martial convened at
N. Y., by Orders, No., series of 18 ,
from head-quarters N. G. S. N. Y., on
the day of 18 .

VOUCHER.		DOLLARS.	CENTS.

We certify that the above accounts are correct and just, and that the services were actually rendered and disbursements made, as therein stated.

Dated, 18 .

.....,

President.

.....,

Judge-Advocate.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, }
Albany, ... , 18 . }

Examined, audited and allowed in the amount of.....
dollars.

.....,
Adjutant-General State of New York,
and Auditor of Military Accounts.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, }
Albany, ... , 18 . }

Approved.

.....,
Governor and Commander-in-Chief.

The Treasurer of the State of New York will please pay the
 amounts severally due us to the order of.....

Dated....., 18 .

TREASURER'S OFFICE, STATE OF NEW YORK.

Received from....., Treasurer of this
 State, ... dollars, in full of the annexed warrant.
Albany, ... , 18 .

\$.....

NOTE.—This receipt must be signed by the person to whose order the amount
 is made payable.

(No. 66.)

COURT-MARTIAL ACCOUNT.

See §§ 165, 175.

....., *Voucher..*

THE STATE OF NEW YORK,

To.....DR.

To.....days' services as \$
of a.....Court-martial, con-
 vened at, New
 York, by..... Orders, No.....
 series of 18 , from head-quarters.....
 Brigade.....Division, N. G. S. N.
 Y., as follows : (Here give dates.)

.....

 Total number of days' service.....days
 at \$..... per day.....
 Traveling expenses from
 to

This account will be made in duplicate, one for each member of the Court-mar-
 tial, and will give the dates on which the services were rendered.

I certify that the above account is correct and just ; that the
 services were actually rendered as therein stated, and on the
 days therein named ; that the above mentioned traveling
 expenses have been actually disbursed, and that no part has
 been paid or satisfied.

And I hereby acknowledge the receipt from.....
, Treasurer of the State of New York, of
 dollars in full of the above account,
 this.....day of....., 18 .

.....,

.....,

N. G. S. N. Y.

(No. 67.)

ABSTRACT OF ACCOUNTS PAYABLE FROM THE MILITARY FUND

Sec §§ 179, 180, 181.

*Abstract of accounts audited and allowed by the Board of
Auditors of N. G. S. N. Y., as payable
from the Fund of said.....*

No. of Voucher.	Date.	To whom Payable.	For what Purpose.	Amount Demanded.	Amount Allowed.

I hereby certify that the above is a correct statement of the
accounts audited and allowed by the Board of Auditors of
..... N. G. S. N. Y., on the
day of....., 18 , the following members being
present :

.....
.....

.....,
and Secretary of the Board.

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
ADJUTANT-GENERAL'S OFFICE, }
Albany....., 18 . }

The audit and allowance of the above accounts is hereby
approved.

.....,
Adjutant-General.

(No. 68.)

ORDER OF AUDITING BOARD ON COUNTY TREASURER.

See § 180.

HEAD-QUARTERS.....N. G. S. N. Y., }
 18 . }

Treasurer of.....county, S. N. Y., is hereby
 directed to pay to.....or order, out of
 the Fund of this organization, the sum of
dollars, being for account audited and allowed by
 this board of auditors.

.....,

Auditing Board.

(No. 69.)

REPORT OF MILITARY FUNDS IN HANDS OF COUNTY
TREASURER.

See § 182.

COUNTY TREASURER'S OFFICE,
COUNTY, STATE OF NEW YORK, }
 18.. }

To

In compliance with the provisions of the Military Code of
 this State, I have the honor to report as follows in regard to
 the several military funds in my hands.

Name of Organization.	Balances from last Report.		Amounts received since last report.		Amounts paid since last Report.		Balances now on hand.	
	Regi- mental Fund.	Uniform and Equip- ment Fund.	Regi- mental Fund.	Uniform and Equip- ment Fund.	Regi- mental Fund.	Uniform and Equip- ment Fund.	Regi- mental Fund.	Uniform and Equip- ment Fund.

....., *County Treasurer.*

(No. 70.)

ABSTRACT OF EXPENSES AT BRIGADE OR DIVISION HEAD-
QUARTERS.

See § 188.

Abstract of Accounts for Expenses at Head-quarters
..... National Guard, S. N. Y., authorized
by the provisions of the Military Code.

No. of Voucher.	Date.	To whom payable.	Nature of expenditure.	AMOUNT.	
				Dollars.	Cents.

HEAD-QUARTERS N. G. S. N. Y., }
 }

I certify the above accounts to be correct and necessarily
 incurred in transaction of official business at these head-
 quarters, from.....18., to.....18....

..... *General Commanding*

GENERAL HEAD-QUARTERS, STATE OF NEW YORK, }
 ADJUTANT-GENERAL'S OFFICE, }
Albany, ..., 18 . }

I certify that the accounts set forth in the above abstract
 have been severally examined and audited, and that the same,
 amounting to dollars, are proper to be
 paid from the fund appropriated by section
 of chapter of the Laws of

.....
Adjutant-General of the State of New York,
and Auditor of Military Accounts.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, }
Albany, ..., 18 . }

The audit of the above accounts is approved and confirmed.

.....
Governor and Commander-in-Chief.

(No. 71.)

ORDER FOR COURTS-MARTIAL.

See §§ 186, 187, 189, 196, 197.

HEAD-QUARTERS }
 N. G. S. N. Y., }
 18 . }

..... Orders, {
 No. }

A Court-martial is hereby appointed,
 to convene at, on the day
 of, 18 , at o'clock M., for
 the trial of

Detail for the Court.

.....

*Judge-Advocate.*By order of, *Commanding.*

.....
Assistant Adjutant-General.

(No. 72.)

COURT-MARTIAL.

See § 228.

Warrant appointing Marshal.

To

You are hereby appointed Marshal for a
 Court-martial, which is ordered to convene at.....
 by Special Orders, No. , current series,
 from the head-quarters of the of the
 National Guard of the State of New York, and I do, there-
 fore, by virtue of the power in me vested as President of the

said court, grant you this warrant. You are to obey the orders which you shall from time to time receive from the said court, and execute the duties of Marshal with fidelity, according to the law and regulations established for the government and discipline of the National Guard aforesaid.

Given under my hand at, }
 this day of, A. D. 18 . }

.....
 N. G. S. N. Y.,
President of said Court.

(No. 73.)

BOND OF MARSHAL.

See § 228.

Know all men by these presents: That we.....

 are held and firmly bound unto the People of the State of New York, in the sum of.....
 dollars, lawful money of the United States of America, to be paid to the said, the People of the State of New York, for which payment well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals this.....day of 18 ..

Whereas, the said has been duly appointed Marshal of a Court-martial to be held at.....pursuant to Special Orders, No.....from the head-quarters of the Brigade.....Division, National Guard of the State of New York, current series, by warrant under the official signature of....., President of said Court-martial.

Now the condition of the above obligation is such, that if the said..... shall faithfully perform the duties of said office, and shall account for and pay over to the proper officer, as required by law, all moneys that may be collected or received by him as such Marshal for fines or

penalties, within thirty days after the collection or receipt thereof by him respectively, then this obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in presence of

.....

STATE OF NEW YORK, }
County of } *ss :*

On this day of, 18 , before me personally came

..... known to me to be the individuals described in, and who executed the foregoing bond, and severally acknowledged to me that they executed the same.

.....

STATE OF NEW YORK, }
County of } *ss :*

..... being duly sworn says, that he is one of the sureties named in the foregoing bond, that he resides at in the State of New York ; that he is a holder within the State of New York, and is worth the sum of dollars over and above his debts and liabilities and property exempt by law from execution.

Sworn to before me this }
 day of, 18 . }

.....

I approve of the within bond as to its form and manner of execution, and as to the sufficiency of the sureties therein named.

Dated, 18 .

.....,
 N. G. S. N. Y.,
President of the Court.

(No. 74.)

COMMANDANT'S RETURN OF DELINQUENTS AND DELINQUENCIES.

See § 201.

..... N. G. S. N. Y., }
, 18 . }

I hereby certify that the following is a just and true return
 of delinquents and delinquencies in this to the
day of.....18 :

NAMES.	GRADE.	RESIDENCE.	DELINQUENCIES.

.....,
Commanding.

(No. 75.)

RETURN OF DELINQUENCIES IN BAND.

See §§ 108, 109.

HEAD-QUARTERS N. G. S. N. Y., }
, 18 . }

To Colonel.....

In compliance with the provisions of the Military Code of
 this State, I have the honor to report the following delinquen-
 cies of the members of the band of this, who
 were duly warned to attend the parades or drills, specified
 below, as is shown by the returns hereto annexed :

NAME.	GRADE.	DELINQUENCIES.

.....,
Leader of Band.

Sworn to before me, this..... }
 day of....., 18 . }

.....
*Regiment*....., *N. G. S. N. Y.*

(No. 76.)

COURT-MARTIAL SUMMONS.

See §§ 199, 200.

THE PEOPLE OF THE STATE OF NEW YORK,
 To....., GREETING :

You are hereby summoned and required personally to be
 and appear before a..... Court-martial,
 which will meet at.....
 on the.....day of....., 18 , at.....o'clock,
 in the.....noon, by virtue of Special Orders, No.....C.
 S., from head-quarters.....Brigade, N. G. S. N. Y.,
 to answer for certain offenses, delinquencies and deficiencies
 with which you are charged.

Dated....., 18 ..

.....,
*N. G. S. N. Y.*,
President of the Court.

I do hereby certify, that the summons, of which the within
 is a copy, was duly served by me on the day
 of , 18 , by delivering the same to, and
 leaving it with him personally,* by leaving the same at his
 residence at , with a person of suitable
 age and discretion.

* Erase according to mode of service.

STATE OF NEW YORK, }
County of, } ss:

I certify that the above named
personally appeared before me, on the day
of, 18 , and duly made oath to the
truth of the above return.

.....
....., N. G. S. N. Y.,
President of the Court.

(No. 77.)

COURT-MARTIAL—SUBPENA TO TESTIFY.

See §§ 219, 220, 221.

To.....

You are hereby commanded, in the name of the People of
the State of New York, personally to be and appear before a
.....Court-martial, for the trial of.....
of the.....Brigade of the National Guard of the
State of the State of New York, to be held at
on the day of.....at o'clock in the
.....noon of that day, to testify all you know in the mat-
ter depending, and then and there to be tried, between the
said people and on the part of
....., and this do not omit on pain of
fifty dollars.

Witness my hand this.....day of....., A. D., 18 .
.....
.....

STATE OF NEW YORK, }
County of, } ss:

..... of, being
duly sworn, says that on the day of
18 , he served the subpoena, of which the within is a copy,
on the within named at
.....
by delivering the same to him personally and leaving the same
with him.

Sworn before me this }
day of, 18 . }
.....

(No. 78.)

COURT-MARTIAL—ATTACHMENT AGAINST DELINQUENT WITNESS.

See § 222.

To GREETING :

Whereas, it has been made to appear to a Court-martial, duly convened, pursuant to the laws of the State of New York, for the trial of to the satisfaction of such court, by proof made before the same, that was duly subpoenaed on behalf of to appear as a witness before said court, for the day of, 18 , at o'clock in the noon of said day, and that on said day and hour the said refused or neglected, without just cause, to attend as such witness, in conformity with the subpoena which was served upon him as aforesaid ; and whereas has made oath that the testimony of such witness is material ;

These are, therefore, in the name of the People of the State of New York, and by virtue of the laws of said State, to command you to attach the said and forthwith bring him before the said court, to answer such questions as shall be lawfully put to him in the matter now depending in said court between the People of the State of New York and the said ; and have you then and there this writ.

Given under my hand this..... }
 day of, A. D. 18 . }

.....

..... N. G. S. N. Y.,

President of said Court.

Dated, 18 .

I certify that I have executed the within attachment as follows :

.....

(No. 79.)

COURT-MARTIAL—EXECUTION AGAINST DELINQUENT WITNESS.

See § 223.

THE PEOPLE OF THE STATE OF NEW YORK,

To GREETING :

Whereas, it was made to appear to a Court-martial, duly convened, pursuant to the laws of the State of New York, by virtue of Special Orders, No., current series, duly issued by General commanding the National Guard of the State of New York, for the trial of by proof made before such court, to the satisfaction of such court, that was duly subpoenaed on behalf of to appear as a witness before said court, for the day of, 18 .., and that on said last mentioned day the said refused or neglected, without just cause, to attend as such witness, in conformity with the subpoena which was served upon him as aforesaid, and having made oath that the testimony of such witness was material, such court did thereupon duly issue an attachment directed to to compel the attendance of such witness ; and whereas the said attachment was duly executed by said and whereas the said has failed to show reasonable cause to the satisfaction of the court for his omission to attend as required in and by said subpoena, and whereas the fees or costs of the said upon executing the said attachment, have been ascertained by said court to amount to the sum of ; therefore, we command you, that you satisfy the said fees or costs, as aforesaid, out of the personal property of said and return this execution to , president of said court, within forty days after its receipt by you.

Witness, president of said court,

at....., the.....day
 of....., one thousand eight hundred and.....

.....
N. G. S. N. Y.,
President of said Court.

I certify that I have executed the within execution as follows:

.....

(No. 80.)

COURT-MARTIAL—WARRANT OF COMMITMENT.

See §§ 224, 225, 226.

To GREETING:

Whereas, at a.....Court-martial this day duly held
 at.....in the.....
 in pursuance of the laws of the State of New York, for the
 trial of.....
 of the National Guard of the State of New York, one
was in open court guilty of

; and whereas, the said court did thereupon
 adjudge that the said should be
 committed to the jail of the county of.....,
 there to remain, without bail or mainprize, in close confinement,
 for the space of.....day :

These are, therefore, in the name of the People of the State
 of New York, and by virtue of the said law, to command
 you forthwith to take the body of said.....
 and convey him to the jail of the county of
 aforesaid; and the sheriff or jailer of said county is hereby
 empowered and required to receive the body of the said
and him safely keep, without
 bail or mainprize, in close confinement, for the space of
day , and until your fees and the fees of
 the said jailer shall be paid, or until he shall be discharged
 by due course of law.

Given under my hand and seal, in open court, this.....
day of.....A. D. 18 .

.....
.....N. G. S. N. Y.,
President of said Court.

(No. 81.)

COURT-MARTIAL—APPEAL.

....., 18 .
GENERAL.—The undersigned respectfully represents that
by a.....Court-martial, convened at.....
on the.....day of....., 18 , pursuant
to Special Orders, No.....c. s. from head-quarters.....
.....N. G. S. N. Y., dated, 18 ,
the decision, finding and sentence of the court were as follows :

.....
.....
.....
.....
.....
.....
.....

and that from such sentence, and the proceedings, decision
and finding of the court upon which the same was based, he
respectfully appeals to.....
and states the following as the grounds of his appeal :

.....
.....
.....
.....
.....
.....
.....
.....

.....
.....

NOTE—This blank will be used for appeals from the proceedings of all Courts-martial.

(No. 82.)

COURT-MARTIAL—NOTICE OF HEARING OF APPEAL.

HEAD-QUARTERS N. G. S. N. Y., {
, 18 . }

, N. G. S. N. Y. :

SIR.—Your appeal, dated, 18 , from the proceedings, decision, finding and sentence of a Court-martial, which convened at, pursuant to Special Orders, No., series of 18 , from the head-quarters of the, N. G. S. N. Y., will be heard at, on the day of, at o'clock in the noon of that day.

By order of

.....,
Colonel and Assistant Adjutant-General.

(Official.)

(No. 83.)

COURT-MARTIAL—ACCOUNT.

See § 203.

....., N. G. S. N. Y.,
 To, DR.
 To days' services as of
 a Court-martial, convened at
, New York, by Special Orders,
 No., series of 18 , from head-quarters
 of Brigade, N. G. S. N. Y. \$

Disbursements.

Traveling expenses from to

STATE OF NEW YORK, } ss:
 County of.....

....., being duly sworn, deposes and
 says that the items charged in the above account are correct;

that the services specified and articles enumerated therein have, in fact, been performed and furnished and by due authority ; that the disbursements therein set forth have been made ; also, that the prices charged are reasonable and just ; that said account has not been either in whole or in part paid, satisfied or assigned, and that the same is now justly due to him.

Sworn before me, this day }
of, 18 . }

I certify that the above account is correct and just, and that the services were actually rendered and disbursements made as therein stated.

.....,
..... N. G. S. N. Y.,
President of the Court.

(No. 84.)

COURT-MARTIAL—WARRANT FOR THE NOTICE OF FINES OR PENALTIES.

THE PEOPLE OF THE STATE OF NEW YORK,

To, the Marshal of the court below mentioned, duly appointed according to law, GREETING :

You are hereby directed to officially notify the several persons named below that the Court-martial, convened pursuant to Orders, No., current series, from head-quarters of Brigade, National Guard of the State of New York, sentenced them to pay the fines or penalties set opposite to their respective names, and that the proceedings of the said Court-martial were duly approved ; and also to make due return to me of the time of performing such service.

Given under my hand at, county of,
State of New York, this day of, 18 .

.....,
President of said Court-martial.

Names.	Amount of fines or penalties.	Date when notified.

I, the within-named Marshal, do hereby certify that I personally notified the above named, as directed by the above warrant, on the dates set opposite to their respective names.

.....,
Marshal.

Sworn to before me this {
day of, 18.. }

.....,

.....

(No. 85.)

NOTICE OF MARSHAL OF THE IMPOSITION OF A FINE OR PENALTY.

..... COURT-MARTIAL, ..., N. G., S. N. Y.

To

You are hereby officially notified that at a Court-martial of the N. G., S. N. Y., held pursuant to orders No., c. s., from head-quarters of N. G., S. N. Y., a fine or penalty of \$. was imposed on you, and that the proceedings of said court were duly approved by the officer ordering said court.

.....,
Marshal.

Dated this day of, 18..

(No. 86.)

COURT-MARTIAL — WARRANT FOR THE COLLECTION OF FINES
OR PENALTIES.

See §§ 198, 202, 214, 215, 216, 217, 236.

THE PEOPLE OF THE STATE OF NEW YORK,

To , *the Marshal of the court below mentioned, duly appointed according to law, and to any sheriff or constable to whom these presents shall come,*
GREETING :

Whereas, on the day of, 18.., by an order of Brigadier-General, commanding the Brigade, ... Division, National Guard of the State of New York, duly issued to the of said brigade, and dated on that day, a Court-martial was appointed for the trial of all non-commissioned officers, musicians and privates returned for offenses, delinquencies and deficiencies in said to consist of, duly commissioned as in the said, and in and by said order said court was directed to convene at on the day of, 18.., at o'clock .. M.

And whereas, said order appointing said Court-martial was duly published in orders more than two weeks previous to the said day of, 18..

And whereas, on the day of, 18.., the said composing said court, before entering upon his duties as such, was duly sworn by to well and truly try and determine, according to evidence, all matters between the People of the State of New York and any person or persons that shall come before the said Court-martial.

And whereas, on the said day of, 18.., at the hour appointed by said order, the said Court-martial was duly and regularly convened at the time and place therein

mentioned, and was from time to time adjourned until the
 day of, 18.., at o'clock
 .. M.

And whereas, ... in
 of the was duly returned to said Court-martial
 by the commanding officer of said as a delin-
 quent for

 and non-payment of fines, against the by-laws, rules or regu-
 lations of the said, as hereinafter
 stated.

And whereas, the said was on the
 day of, 18.., duly summoned to per-
 sonally be and appear before said Court-martial,
 at the said place above mentioned, on the said day of
, 18.., at o'clock .. M. of that day, to
 answer all charges appearing against him on the returns to
 said court for offenses, delinquencies and deficiencies, by
 summons duly served according to law upon said delin-
 quent.

And whereas, on the said day of, 18..,
 the said Court-martial duly convened, pursuant to adjourn-
 ment, at o'clock .. M., at said place above mentioned,
 and said, being charged by said
 returns as delinquent in not attending

 and for non-payment of the sum of dollars for
 fines for offenses against the by-laws, rules or regulations of
 said, and it satisfactorily appearing to said
 court that he was and is a member of said
 in said, and that he had been duly notified to
 perform the duty, for the neglect whereof he was returned as

delinquent, and a certified copy of the proceedings relating to the infliction of said fines for offenses against the by-laws, rules or regulations of the said having been duly returned to said Court-martial, and a certified copy of said by-laws, rules or regulations having been duly filed with the president of said Court-martial; and it further satisfactorily appearing to said court that said delinquent had been properly summoned to appear before said court, and said delinquent appearing before the same, and no sufficient excuse having been presented to said court for such delinquencies and deficiencies, the said court did thereupon adjudge the said delinquent in not attending said

 and did sentence him to pay a fine or penalty of

 amounting in the aggregate to the sum of dollars, and did also sentence him to pay for fines or penalties for offenses against the by-laws, rules or regulations of said, as above mentioned, ... dollars, making a total sum of dollars.

And whereas, the said proceedings and sentence of such Court-martial were without delay delivered to said Brigadier-General, who did, within fifteen days thereafter, and on the day of, 18.., approve of the same, and give notice thereof to the president of said court, as required by law.

And whereas, the imposition and approval of such fines or penalties was made known to said delinquent on the day of, 18..

These are, therefore, to command you to levy and collect said fines or penalties, together with your costs, according to law, of the goods and chattels of said delinquent, after the expiration of twenty days from the day on which the imposition and approval of said fines and penalties was made known to said delinquent, and in default of sufficient goods

and chattels of such delinquent to satisfy the same, then to take the body of such delinquent and convey him to the common jail of the city of or the county of, as the case may be, and deliver him to the jailer thereof; and the said jailer is hereby directed and required to receive the body of such delinquent, conveyed to said jail as aforesaid, and to keep said delinquent closely confined in the manner and during the time required by law, and until discharged according to law, for which this shall be his warrant, and of your doings by virtue hereof to make return to me within forty days of the date of these presents.

Given under my hand at, county of, State of New York, this day of, 18..

.....,
President of said Court-martial.

Section 214, Military Code, provides that the "jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the costs and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days, provided, however, that the prisoner may be liberated at any time by order of the commandant of the division, upon the application of the commandant of the brigade to which he belongs. No property shall be exempt from the payment of such fines and penalties.

(No. 87.)

ANNUAL RETURN OF CHIEF OF STAFF OF ABSENCE OF COMMISSIONED OFFICERS.

See § 235.

HEAD-QUARTERS N. G., S. N. Y., {
 *January*, 18.. }

GENERAL.—In accordance with the provisions of the Military Code of this State I have the honor to report that the

following named commissioned officers have been absent from parade, encampment, drill or meeting, for instruction, during the year ending on the thirty-first day of December last, as below specified, viz. :

Name of officer.	Rank.	Corps.	Delinquencies.

Colonel and Assistant Adjutant-General.

..... *Gen.* ,
Commanding *N. G., S. N. Y.*

(No. 88.)

ANNUAL RETURN OF ADJUTANT OF ABSENCE OF COMMISSIONED OFFICERS.

See § 235.

HEAD-QUARTERS, N. G., S. N. Y., }
 January, 18.. }

GENERAL.—In accordance with the provisions of the Military Code of this State, I have the honor to report that the following named commissioned officers of this have been absent from parade, encampment, drill or meeting for instruction, during the year ending on the thirty-first day of December last, as below specified, viz.:

Name of Officer.	Rank.	Corps.	Delinquencies.

.....
First Lieutenant and Adjutant.

To Brig. Gen.....
Commanding.....Brigade, N. G. S. N. Y.

(No. 89.)

ANNUAL RETURN OF COMMANDING OFFICER OF ABSENCE OF
COMMISSIONED OFFICERS.

See § 235.

.....N. G. S. N. Y., {
.....*January*.....18 . }

General :

GENERAL.—In accordance with the provisions of the Military Code of this State, I have the honor to report that the following named commissioned officers of this.....have been absent from parade, encampment, drill or meeting for instruction, during the year ending on the 31st day of December last, as below specified, viz. : .

Name of Officer.	Rank.	Delinquencies.

.....
Commanding.

To Gen.....
Commanding.....N. G. S. N. Y.

(No. 90.)

ORDER OF ARREST.

See § 205.

HEAD-QUARTERS N. G., S. N. Y., {
....., 18.. }

Special Orders, {
No. }

....., of
N. G., S. N. Y., is hereby placed under arrest, and will,
upon receipt of this order, turn over to the proper officer all
military property in his possession belonging to the State of
New York. is hereby directed
to serve this order upon said
and make due return of such service to these head-quarters.

By order of
.....

(Official.)

(No. 91.)

COMPANY QUARTERLY RETURN.

Return of *Company* *Regiment* *National Guard, S. N. Y.,*
for the quarter ending on the last day of *18*....

NOTE.—This return will be made in triplicate on the last days of March, June, September and December, one copy for General Head-quarters, one copy for Regimental Head-quarters, to be forwarded immediately through the regular channels, and one copy retained; those forwarded will each be accompanied by one copy of the enlistment papers of each man enlisted during the quarter.

RECORD OF STRENGTH.		CHANGES SINCE LAST RETURN ACCOUNTED FOR BY NAME.				GAINS. NOTE.—In this column will be given the names in full of each officer and enlisted man, who may have joined or been promoted in the Company, with date of joining, &c. (referring to order effecting the same) properly classified under the following headings: 1st. By enlistment. 2d. By transfer. 3d. By promotion. 4th. By taken up from dropped. The number of names in this column must correspond with the number of total gains given in the table.
		Officers.	Non-Commissioned Officers.	Musicians.	Privates.		Aggregate.
At last return						
Deduct losses						
Add gains						
Present strength						
Captain						
Residence						
1st Lieutenant						
Residence						
2d Lieutenant						
Residence						
Average attendance at Company Drills during the Quarter:						
Location of Armory:						

I certify on honor that the above return is a correct exhibit of the strength of this Company for the period stated.

 *Commanding.*

Property Return—Artillery—(Continued).

FORGES, BATTERY WAGONS AND LIMBERS.		IMPLEMENTS AND EQUIPMENTS.																											
UNSERVICABLE.		SERVICABLE.																											
Forges, with Limbers.	*	Breecb Sights.	Sponge Buckets.	Tar Buckets.	Drag Ropes.	Ruse Gauges.	Ruse Gauges.	Ruse Gimlets.	Ruse Mallets.	Gunnery' Gimlets.	Gunnery' Haversacks.	Gunnery' Pouches.	Trail Handspikes.	Harness, Sets of, 2 Horse, Wheel.	Harness, Sets of, 2 Horse, Lead.	Lanyards.	Pendulum Hammers.	Priming Wires.	Prolongs.	Tarpauline.	Thumbstalls.	Tomplions and Straps.	Tube Pouches.	Vent Covers.	Worms and Slaves.	Hammers and Sponges.	*	*	*

No property can be condemned and dropped without authority from General Headquarters. Particular care should be taken to carry all unserviceable property under the heading of "unserviceable." Nothing but ammunition, parts of arms and material for repairs can be expended. The return should be signed with the full name and official title.
* Blank spaces are provided for articles different from those named in the printed headings.

MISCELLANEOUS.

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I certify that the foregoing return exhibits a correct statement of all the public property in my charge during the year ending December 31st, 18 .
Station.....

.....
Post-office Address. Commanding.
.....

Property: Return — Cavalry — (Continued).

FORMS.

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[illegible]

No property can be condemned and dropped without authority from General Headquarters. Particular care should be taken to carry all unserviceable property under the heading of "unserviceable." Nothing but ammunition, parts of arms, and material for repairs, can be expended. The return should be signed with the full name and official title. Blank spaces are provided for articles different from those named in the printed headings.

(No. 94.)—REGIMENTAL OR BATTALION QUARTERLY RETURN.
Return of Regiment National Guard, S. N. Y., for the quarter ending on the last day of 18 ..

NOTE.—This return will be made in triplicate on the last days of March, June, September and December, one copy for General Head-quarters, one copy for Brigade Head-quarters, to be forwarded immediately through the regular channels, and one copy retained; the copy for General Head-quarters will be accompanied by one copy of the returns and enlistment papers received from Company commanders.

RECORD OF STRENGTH. FIELD, STAFF, NON-COM. STAFF AND BAND.		CHANGES SINCE LAST RETURN ACCOUNTED FOR BY NAME.		NAME AND ADDRESS OF FIELD AND STAFF OFFICERS.	
At last return	Officers.	LOSSES. NOTE.—In this column will be given in full the names of each officer and enlisted man, who may have left, or been promoted or reduced in the Field, Staff, Non-Com, Staff and Band, with date of leaving (referring to order effecting the same), properly classified under the following headings: 1st. By discharge. 2d. By death. 3d. By promotion. 4th. By reduction. 5th. By transfer. 6th. By dropped. The number of names in this column must correspond with the number of total losses given in the table.	GAINS. NOTE.—In this column will be given the names in full of each officer and enlisted man who may have joined or been promoted in the Field, Staff, Non-Com, Staff and Band, with date of joining (referring to order effecting the same), properly classified under the following headings: 1st. By enlistment. 2d. By transfer. 3d. By promotion. 4th. By taken up from dropped. 5th. By appointment. The number of names in this column must correspond with the number of total gains given in the table.	Colonel: Address. Lieutenant-Colonel: Address. Major: Address. Adjutant: Address. Quartermaster: Address. Com. of Subsistence: Address. Inspector of Rifle Practice: Address. Surgeon: Address. Assistant Surgeon: Address. Chaplain: Address.	
Deduct losses	Non-Commissioned officers.				
Add gains.....	Musicians.				
Present strength Field, Staff, Non-Com. Staff and Band.	Privates.				
Present strength Co. A.	Aggregate.				
Present strength Co. B.					
Present strength Co. C.					
Present strength Co. D.					
Present strength Co. E.					
Present strength Co. F.					
Present strength Co. G.					
Present strength Co. H.					
Present strength Co. I.					
Present strength Co. K.					
Present strength of Regiment					
Strength at last return					
Net aggregate loss					
Net aggregate gain					
Average attendance at Regimental or Battalion Drills during the quarter:					
Location of Barracks:					
Address of Regimental Head-quarters:					
I certify on honor that the above return is a correct exhibit of the strength of this Regiment for the period stated.		 Commanding.			

(No. 96.)—ANNUAL PROPERTY RETURN OF REGIMENTS OR BATTALIONS.
*Annual Return of Ordnance and Ordnance Stores received, issued and remaining on hand in..... Regiment Infantry, N. G., S. N. Y.,
 December 31, 18 .*
 INFANTRY.

DATE.	Number of Voucher.	YEAR ENDING 18 .	SMALL ARMS.				SWORDS.				
			SERVICEABLE.		UNSERVICEABLE.		SERVICEABLE.		UNSERVICEABLE.		
18 .			Remington Breech-Loading Muskets Cal. 50.	Springfield Rifles.	Enfield Rifles.			Non-Commissioned Officers.	Musicians.		
		On hand from last return.....									
		Taken up.....									
		Received from.....									
		Received from.....									
		Repaired and transferred.....									
		*									
		Total to be accounted for.....									
		Issued to.....									
		Condemned and dropped.....									
		Expended.....									
		Lost or destroyed.....									
		Repaired and transferred.....									
		*									
		*									
		*									
		Total issued and expended.....									
		Remaining on hand to be accounted for on next return.....									

DIRECTIONS FOR MAKING AND TRANSMITTING THIS RETURN.

To be made on the 31st day of December, each year. In duplicate, one to be transmitted direct to the Chief of Ordnance, with complete set of vouchers (one set of invoices of all property received, and also certified abstract of all property expended, showing by what authority); the other to be retained, with one complete set of vouchers, by the Commanding Officer of the Regiment.

Equipment, when complete, will be carried as "sets of"; when incomplete, the parts will be carried separately under the proper heading.

* Blank spaces are provided for articles different from those named in the printed heading.

Property Return — Infantry — (Continued).

[illegible]

I certify that the foregoing return exhibits a correct statement of all the public property in my charge during the year ending December 31st, 18

Station

.....
Post-Office Address.
.....
..... Commanding.

BRIGADE QUARTERLY RETURN.

*Return of the Brigade National Guard, S. N. Y.,
for the quarter ending on the last day of 18 .*

Norg.—This return will be made in triplicate on the last days of March, June, September and December, one copy for General Head-quarters, one copy for Division Head-quarters, and one copy retained; the copy for General Head-quarters will be accompanied by one copy of the returns and enlistment papers received from Regimental and Separate Troop and Battery Commanders.

RECORD OF STRENGTH.

BRIGADE COMMANDER AND STAFF.

RECORD OF STRENGTH.		CHANGES SINCE LAST RETURN ACCOUNTED FOR BY NAME.		NAME AND ADDRESS OF BRIGADE COMMANDER AND STAFF.	
At last return.....		Officers.	Enlisted men.	Aggregate.	LOSSES.—In this column will be given the name of the Brigade Commander or any member of his staff who may have left the service, with the date of leaving (referring to order effecting the same) properly classified under appropriate headings.
Deduct losses.....					
Date.....					
Add gains.....					
Present strength Brigade Commander and Staff.....					
Present strength Regiment.....					
" " Regiment.....					
" " Regiment.....					
" " Regiment.....					
" " Regiment.....					
Total present strength of Brig.					Brigadier-General: Address..... Assistant Adjutant-General: Address..... Inspector: Address..... Engineer: Address..... Judge Advocate: Address..... Surgeon: Address.....
Strength of Brig. at last return					
I certify on honor that the above return is a correct exhibit of the strength of this Brigade for the period stated.					
Net aggregate loss..... Net aggregate gain..... Location of Brigade Headquarters..... Commanding.....					

(No. 98.)

REPORT OF BRIGADE PARADE.

Report of Parade of the *Brigade* *N. G. S. N. Y.,*
for *on the* *day of* 18

ORGANIZATIONS.	PRESENT.			ABSENT.			PRESENT AND ABSENT.			REMARKS.
	Commissioned officers.	Enlisted men.	Total.	Commissioned officers.	Enlisted men.	Total.	Commissioned officers.	Enlisted men.	Aggregate.	
Brigade Commander and Staff.										
Total										

I certify that this is a true report of this command, as compiled from the several reports rendered for the occasion named.

.....
 Note.—To be forwarded to Division Head-quarters within ten days after each Division or Brigade Parade, or Annual Inspection
 *Commanding.*

(No. 99.)
DIVISION QUARTERLY RETURN.
Return of the..... for the quarter ending on the last day of..... *Division National Guard, S. N. Y.,*
18.

NOTE.—This return will be made in duplicate on the last days of March, June, September and December, one copy for General Head-quarters, to be forwarded immediately, and one copy retained; the copy for General Head-quarters, to be accompanied by the returns and enlistment papers received from subordinate Commanders.

RECORD OF STRENGTH. DIVISION COMMANDER AND STAFF.	Officers.	Enlisted men.	Aggregate.	CHANGES SINCE LAST RETURN AC- COUNTED FOR BY NAME.
At last return				LOSSES.—In this column will be given the name of the Division Commander or any member of his Staff who may have left the service, with the date of leaving (referring to order effecting the same), properly classified under appropriate headings. GAINS.—In this column will be given the name of the Division Commander or any member of his Staff who may have joined, with the date of joining (referring to order effecting the same), properly classified under appropriate headings.
Deduct losses				
Date				
Add gains				
Present strength Division Head-quarters				
Present strength Brigade				
“ “ Brigade				
Present strength of Division				
Strength of Div. at last return				

NAME AND ADDRESS OF DIVISION COMMANDER AND STAFF.

Major-General: Address Ass't Adjutant-General: Address Inspector: Address Engineer: Address Judge-Advocate: Address Surgeon: Address Chief of Artillery: Address	Inspector of Rifle Practice: Address Ordnance Officer: Address Quartermaster: Address Com. of Subsistence: Address Major and Aid-de-Camp: Address Major and Aid-de-Camp: Address Captain and Aid-de-Camp: Address
--	---

I certify on honor that the above return is a correct exhibit of the strength of this Division for the period stated.

Net aggregate loss

Net aggregate gain

Location of Division Head-quarters

Commanding.

(No. 100.)

REPORT OF DIVISION PARADE.

Report of Parade of the.....on the.....day of.....N. G. S. N. Y.,
for.....18.

ORGANIZATIONS.	PRESENT.			ABSENT.			PRESENT AND ABSENT.			REMARKS.
	Commissioned officers.	Enlisted men.	Total.	Commissioned officers.	Enlisted men.	Total.	Commissioned officers.	Enlisted men.	Aggregate.	
Total										
Division Commander and Staff.										

I certify that this is a true report of this command, as compiled from the several reports rendered for the occasion named.
.....
..... Commanding.



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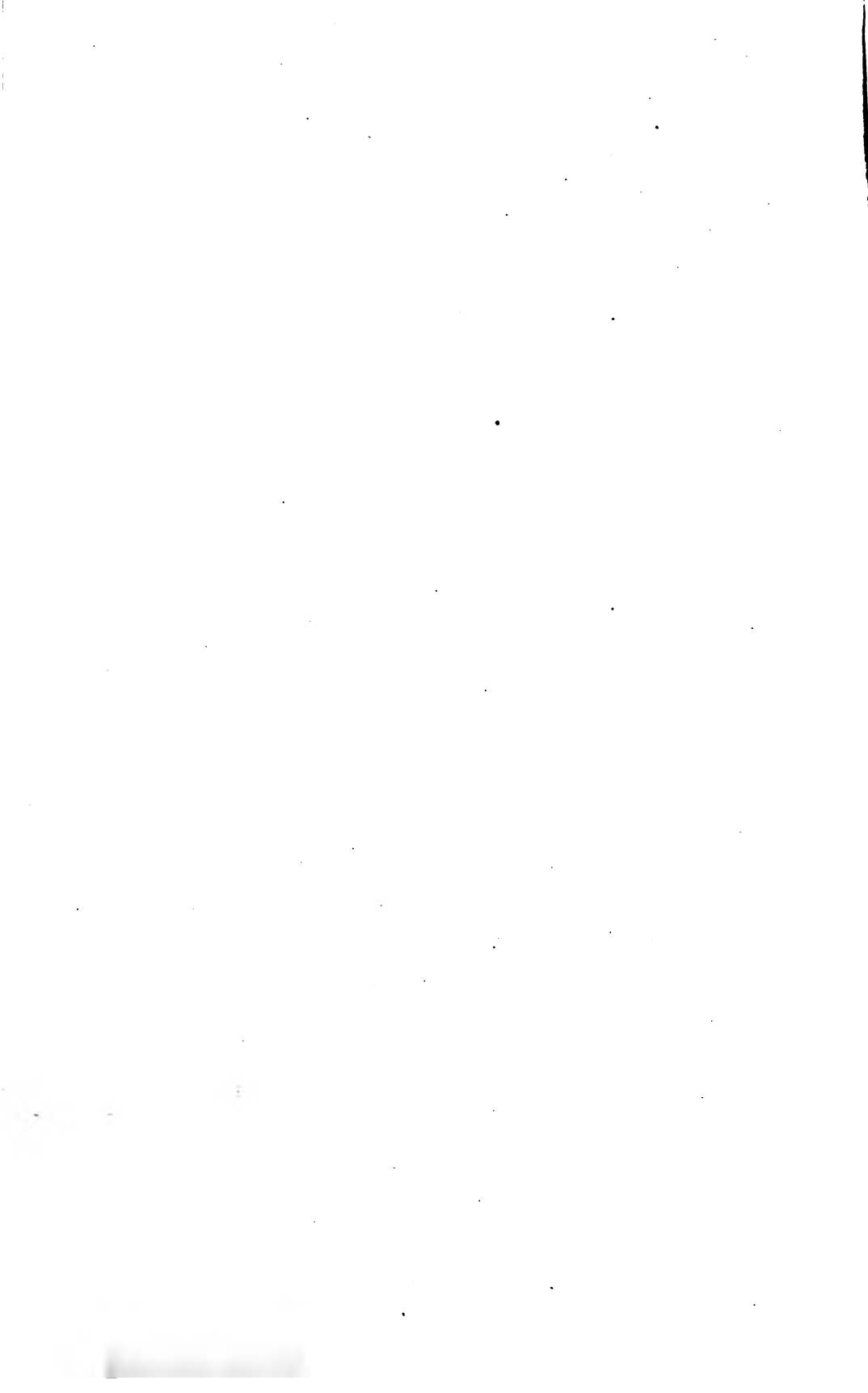
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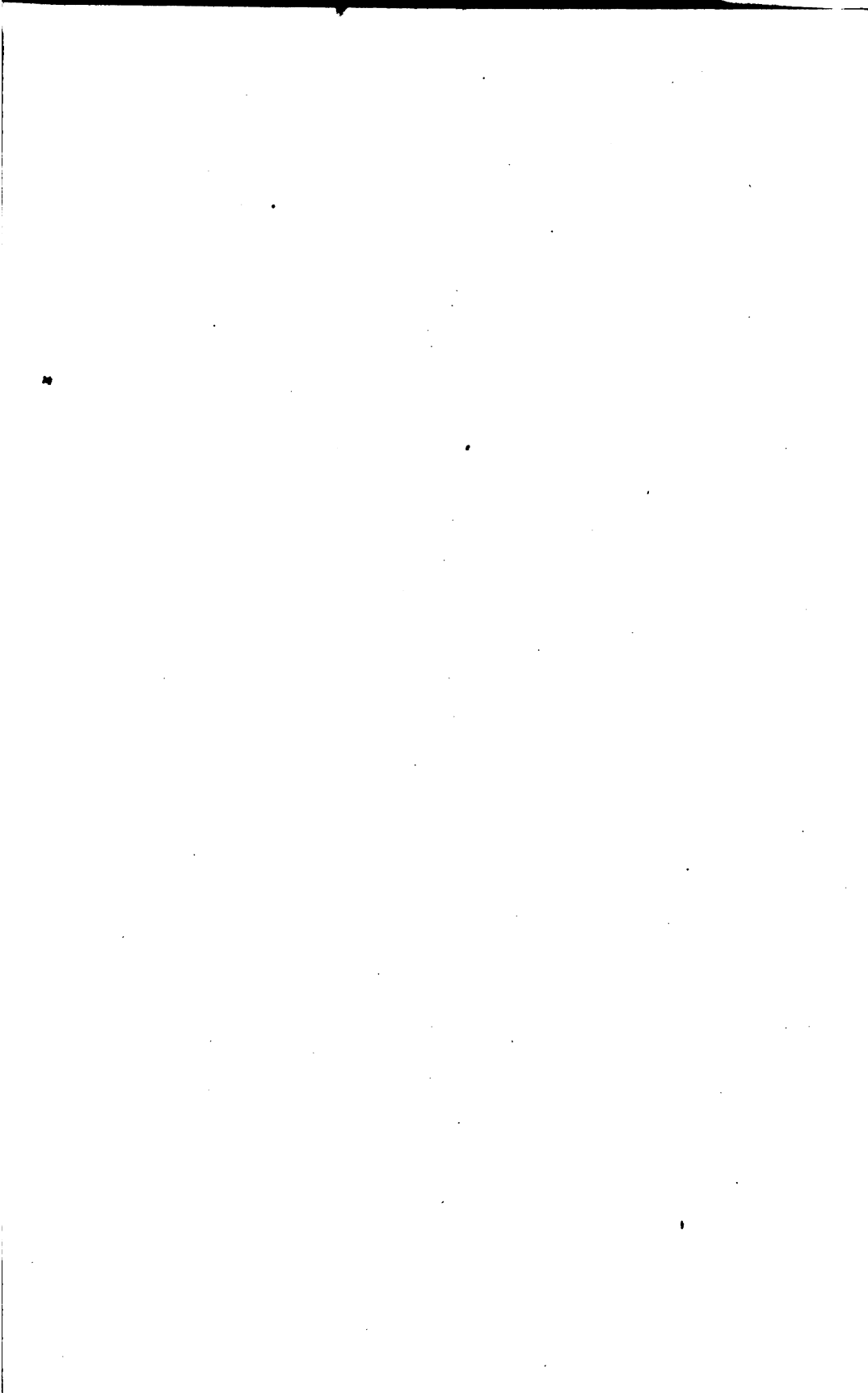
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